**NOTICE**
**COMPLETION OF DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT**
**AND PUBLIC HEARING**

**Lead Agency:** William A. Johnson, Jr., Mayor
City of Rochester
30 Church Street
Rochester, NY 14614

**Date:** September 10, 2005

This notice is issued pursuant to Article 8 of the NYS Environmental Conservation Law (State Environmental Quality Review Act) and Chapter 48 of the Rochester Municipal Code (Environmental Review). A Draft Generic Environmental Impact Statement (DGEIS) has been completed and accepted for the proposed action described below. The DGEIS provides an in-depth report on the proposed action and its potential impacts on the environment. Written comments on the DGEIS are requested and will be accepted by the contact person until 5:00 p.m. on October 11, 2005**.** Comments on the DGEIS will also be received at a public hearing to be held by the Rochester Environmental Commission on Tuesday, September 27, 2005 at 6:30 p.m. in City Council Chambers, City Hall, Room 302-A, 30 Church Street.

**Name of Action:** Municipal Code Amendments: Lead Poisoning Prevention

**Type of Action:** Unlisted

**Description of Action:** The City of Rochester is proposing to amend its municipal code to provide for the identification, reduction and control of hazards due to the presence of deteriorated lead-based paint in/on pre-1978 structures, in order to protect residents from exposure and reduce the incidence of lead poisoning.

**Potential Environmental Impacts:** Potential adverse environmental impacts could result from the proposed action which may affect the community and its character, including: a reduced supply of affordable housing; depressed property values; increased numbers of vacant residential properties; and the impairment of the character or quality of important historic or architectural properties.

**DGEIS Availability:** Copies of the DGEIS are available for review at the following locations:

1. City Clerk's Office
   City Hall, Rm 300-A
   30 Church Street
   Rochester, NY 14614
2. Rochester Public Library: Central Library and Branch Libraries
3. City NET Offices
4. City of Rochester website:
   www.cityofrochester.gov
   Click on "Your Government"
   Click on "What's New"
   Click on " DGEIS Lead Poisoning Prevention"

Copies of the DGEIS may be obtained from the contact person for a fee, as follows:

1. Printed copy - $10.00
2. CD - $5.00

**Lead Agency Contact:**

Robert M. Barrows
City Hall, Room 028-B
30 Church Street
Rochester, NY 14614
(585)428-6698
e-mail: barrowsb@cityofrochester.gov

**DRAFT**
**Generic Environmental Impact Statement to Assess**
**Lead Poisoning Prevention Ordinance Alternatives for the**
**City of Rochester, New York**

**September 2005**

**Lead Agency:** **City of Rochester**
**Mayor William A. Johnson, Jr.**

**Abstract:** This Draft Generic Environmental Impact Statement (GEIS) evaluates the environmental consequences of the adoption of a lead poisoning prevention ordinance by the City of Rochester. This document presents the environmental consequences associated with human health, housing, population, historic resources, air quality, and the economy.

This Draft GEIS evaluates and compares two lead poisoning prevention ordinance alternatives that have been introduced by sponsors in the City of Rochester. The alternative ordinances seek to prevent resident poisoning from lead-based paint, but vary as to their critical components. These proposals include the following:

- Enactment of a new Chapter to the Code of the City of Rochester, titled "Chapter 60: Lead Poisoning Prevention Code," introduced by Councilman Mains (Introductory #20 of 2005) and

- A proposed amendment to Chapter 90 of the Code to add a new article titled "Lead-Based Paint Poisoning Prevention," Introduced by Mayor Johnson (Introductory #21 of 2005).

A third alternative ordinance was offered by the NYS Coalition of Property Owners and Businesses in their scoping comments and is also evaluated in this Draft GEIS.

**Point of Contact:** Mr. Robert Barrows
Director of Housing and Project Development
City of Rochester – Department of Community Development
City Hall, 30 Church St., Room 028-B
Rochester, NY 14614
Telephone: 585-428-6150

**Date Comments Must Be Postmarked By:** 11 October 2005

# Executive Summary

## Description of the Proposed Action

The proposed action evaluated in this Draft Generic Environmental Impact Statement (GEIS) is the adoption of a Lead Poisoning Prevention ordinance as part of the Municipal Code of the City of Rochester. The ordinances under consideration each require that the presence of deteriorated paint in or on pre-1978 residential structures be evaluated and appropriately addressed in order to prevent human exposure to lead hazards. The Mayor of the City of Rochester, as lead agency for this action which is reviewable under the State Environmental Quality Review (SEQR) Act, has determined that a GEIS be prepared as an appropriate means to objectively compare and evaluate potential impacts of the proposed ordinances.

The intent of the alternative ordinances evaluated in this GEIS is to prevent exposure of residents to lead-based paint and other lead hazards; however, the alternatives vary in detail and, in some cases, with respect to their essential components. Each alternative ordinance focuses on critical elements that form a basis for comparing the ordinances. Among other things, the major components of the ordinances include the following:

- Property types affected;
- How inspections will be triggered and how lead hazards will be identified;
- Who will perform the inspection, and who will be responsible for the cost of the inspection;
- The scope of the inspection;
- Clearance examination standards for determining the success or failure of interim controls and/or abatement work in eliminating identified lead-paint hazards in homes;
- Who will provide notice to property occupants regarding interior and/or exterior lead-based paint hazard reduction work;

- How occupants will be protected during work site preparation and hazard reduction work;

- Safe work practices for lead-based paint disturbance;

- Tenant protections, including how occupants will be protected against retaliatory eviction, and what additional protections, rights, and causes of action exist (if any); and

- Disclosure and other requirements upon property transfer.

## Environmental Setting

The geographic location for this GEIS is the city of Rochester, Monroe County, New York. The city of Rochester, as with many older cities in the U.S., has a significant stock of older residential homes. According to U.S. Census 2000 statistics (United States Census Bureau 2005), approximately 95% of the city's housing units were constructed prior to 1980, 89% of which were occupied in 2000. Approximately 67% was been built prior to 1950. These include both owner-occupied homes and rental units. The housing stock in the City of Rochester is primarily a mix of single- and two-family homes with a more limited number of larger, multi-unit complexes.

The Rochester Metropolitan Statistical Area (MSA) is experiencing both population loss and urban sprawl. These trends have been occurring over the past several decades. In the period between the 1990 and 2000 census, there was population growth in the Rochester metropolitan statistical area (MSA); however, the population in the city itself declined by five percent.

Due to potential lead paint hazards in Rochester's older housing stock, occupied homes constructed prior to 1978 pose a potential threat to city residents, especially younger children (6 years or younger), from lead poisoning. From a public policy perspective, lead-based paint is often presumed to be present in homes constructed prior to 1978, since the U.S. Consumer Product Safety Commission banned the use of lead-based paint in that year.

Childhood lead poisoning is a serious public health threat in the City of Rochester and has been identified by the Director of the Monroe County Department of Public Health (MCDPH) as one of the highest priority local public health issues. Childhood lead exposure can occur because of contact with dirt, dust, and fumes containing lead. Young children that ingest lead contaminated dust, dirt or paint chips or who come into contact with lead-painted surfaces within their reach (e.g., on doors, windowsills, porch decks) are potentially exposed to a significantly increased risk of developing long-lasting cognitive, physiological, and behavioral problems. All of these are important and contributing factors to the lead poisoning issue in the city of Rochester.

According to the Monroe County Department of Public Health, 13,259 children were screened for blood lead levels in 2001 (Monroe County Department of Public Health 2005). Of those screened, 1,179, or 8.9%, had blood lead levels at or above 10 micrograms per deciliter (µg/dL), a concentration that is above the Centers for Disease Control and Prevention's (CDC) acceptable level for young children (CDC 2005). This percentage is a substantially higher rate than the statewide average, which in 2001 was 2.7% (NYS Department of Health 2004). Many of the children identified as having elevated lead blood levels reside in sections of Monroe County where older housing is prevalent and poverty rates are the highest (Lanphear et al. 1998). A detailed discussion of housing and public health issues is provided in Sections 4 and 5 of the GEIS.

## Purpose and Need

Lead poisoning prevention ordinances are being proposed in the City of Rochester to reduce exposure of residents (especially those age 6 years and under) to lead by requiring that the presence of deteriorated paint in and on pre-1978 residential structures be evaluated and appropriately addressed. In doing so, human exposure to lead based paint hazards will be reduced and controlled.

The need for a lead ordinance is based on the significant impact that exposure to lead can have on the cognitive, physiological, and behavioral abilities of residents, especially young children. A detailed discussion of the need for a lead poisoning prevention ordinance in the City of Rochester is presented in Section 1 of the GEIS. The discussion presents the basis for developing a new code, focusing primarily on the affects of lead poisoning on human health, academic achievement, economic achievement, and the criminal justice system. The discussion presents only a summary of the extensive research that has been conducted on this issue. Each of the sources referenced examine various aspects of lead poisoning in depth and document the need for a lead poisoning prevention ordinance.

## Alternatives Considered

This GEIS evaluates and compares two lead poisoning prevention ordinance alternatives that have been introduced by sponsors in the City of Rochester. These proposals include the following:

- Enactment of a new Chapter to the Code of the City of Rochester ("the Code"), titled "Chapter 60: Lead Poisoning Prevention Code," introduced by Councilman Mains (Introductory #20 of 2005); and

- A proposed amendment to Chapter 90 of the Code to add a new article titled "Lead-Based Paint Poisoning Prevention," Introduced by Mayor Johnson (Introductory #21 of 2005).

A third alternative ordinance was offered by the NYS Coalition of Property Owners and Businesses in their scoping comments and is also evaluated in this DGEIS. The no-action alternative also is evaluated.

Section 3 of the GEIS provides a detailed comparison of the critical elements of the alternative ordinances evaluated.

## Significant Beneficial and Adverse Impacts

The City of Rochester's adoption of one of the proposed lead poisoning prevention ordinances will have both potentially beneficial and adverse impacts. The most significant impacts are those based on human health and housing in the City of Rochester, however, there are several other topic areas addressed in the GEIS.

**Economy.** In general, Alternative 1 results in more of a positive economic impact to the community than either Alternatives 2 or 3 when analyzing such criteria as the need for certified lead evaluation firms and laboratory analyses to support lead sampling and analysis. This is primarily due to Alternative 1 impacting more residential units than either Alternatives 2 or 3. For a detailed discussion on specific areas of economic impact by alternative, refer to Section 5 of the Draft GEIS.

Under the No Action Alternative, there are potential negative economic impacts associated with taking no action regarding the lead poisoning problem in children in the city of Rochester. The potential impacts could include the following:

- Lost future income
- Health care costs
- Special education
- Criminal justice
- State infrastructure for lead poisoning prevention
- Legal liability

**Housing.** With respect to owner occupied housing, impacts across the three alternatives are assumed to be identical if lead-based paint hazards are found and lead hazard control measures are necessary. What differentiates the alternatives is the number of affected owner-occupied housing units, and the ongoing, annual maintenance costs. For both of these criteria, Alternative 1 will result in the highest degree of impact to home owners in general, due to the higher number of affected units associated with this alternative. Refer to Section 5 for a more detailed analyses.

Alternative 1 will place the greatest burden on property owners, thus creating this highest likelihood of potential abandonment. This abandonment would first occur

in the neighborhoods where the ratio of lead-hazard control costs to housing market values is the highest.

For renter occupied properties, it should be noted that the return to a positive cash flow for property owners over a 10-year horizon indicates that the current property owner can sustain their investment, or if they choose to sell their property, would be able to attract other investors. Thus, there would be limited abandonment as a result of the implementation of one of the alternatives, with varying degrees of magnitude on renter occupied housing. Alternative 1 would have the largest impact and Alternative 3 would have the least impact on property owners.

**Human Health.** A quantification and ranking of human health impacts from the adoption of one of the proposed lead poisoning prevention ordinances is difficult to develop for this assessment. There are several factors, many of which are unknown, that play a contributing role in determining the relative strengths of one ordinance over another with respect to human health issues, including among others, the precise number of homes or persons potentially impacted by lead poisoning. In general, the following outlines some of the qualitative impacts under the proposed alternatives:

- Alternative 1 includes the broadest categories of houses targeted for assessment and potential lead hazards control work and because Alternative 1 allows for the fewest exemptions, based on the broadest universe of potential structures and therefore tenants who could be impacted, this Alternative has the widest reach and could potentially be considered the most "health protective."

- Alternative 2 outlines a universe of eligible properties for inspection following the renewal of the Certificate of Occupancy, however, does not specifically address those cases of housing units with children under the age of 6.

- Alternative 3 provides the greatest degree of overall reduction in potential exposure for the most at risk population in Rochester. This is because Alternative 3 most consistently addresses lead exposure issues for the target population (children age 6 and under). Alternative 3 is the only alternative of the three that contains language specifying that dwellings occupied by a child under the age of 6 are subject to a Notice and Order requiring removal of deteriorated lead-based or presumed lead-based paint prior to further activity.

- Under the No Action Alternative, no progress would be made towards the overall human health goal of reducing the incidence of childhood lead-poisoning.

A more thorough discussion of human health issues associated with alternative ordinances is presented in Section 5 of the Draft GEIS.

# DRAFT
# Generic Environmental Impact Statement to Assess Lead Poisoning Prevention Ordinance Alternatives for the City of Rochester, New York

**September 2005**

**Prepared for:**

**CITY OF ROCHESTER**
**Lead Agency: Mayor William A. Johnson, Jr.**

**Prepared by:**

**ECOLOGY AND ENVIRONMENT, INC.**
368 Pleasant View Drive
Lancaster, New York 14086

# Table of Contents

**Section** **Page**

**Table of Contents (cont.)**

**Section** **Page**

## Table of Contents (cont.)

**Section** **Page**

**Table of Contents (cont.)**

**Section** **Page**



**Appendix**

# List of Tables

# List of Figures

# List of Abbreviations and Acronyms

| | |
|---|---|
| ACCLPP | Advisory Committee on Childhood Lead Poisoning Prevention |
| AQI | Air Quality Index |
| ATSDR | Agency for Toxic Substances and Disease Registry |
| CAFR | Comprehensive Annual Financial Report |
| CDC | Centers for Disease Control and Prevention |
| CLPP | Childhood Lead Poisoning Prevention |
| CO | carbon monoxide |
| EAF | Environmental Assessment Form |
| EPA | United States Environmental Protection Agency |
| GEIS | Generic Environmental Impact Statement |
| GLO | Get the Lead Out |
| HCV | Housing Choice Voucher |
| HEPA | high efficiency particulate air |
| HUD | U.S. Department of Housing and Urban Development |
| LBPPPA | Lead-Based Paint Poisoning Prevention Act |
| LSWP | Lead-Safe Work Practices |
| m | meter |
| MCDPH | Monroe County Department of Public Health |
| µg/dL | micrograms per deciliter |
| MSA | metropolitan statistical area |

## List of Abbreviations and Acronyms (cont.)

| | |
|---|---|
| NET | Neighborhood Empowerment Team |
| NYCRR | New York State Codes, Rules and Regulations |
| NYSDEC | New York State Department of Environmental Conservation |
| OSHA | Occupational Safety and Health Administration |
| SEQR | State Environmental Quality Review |
| $SO_2$ | sulfur dioxide |
| TANF | Temporary Assistance for Needy Families |
| TSCA | Toxic Substances Control Act |

# 1 Introduction

## 1.1 Background

The city of Rochester, as with many older cities in the U.S., has a significant stock of older residential homes. According to U.S. Census 2000 statistics (United States Census Bureau 2005), approximately 95% of the city's housing units were constructed prior to 1980, 89% of which were occupied in 2000. These include both owner-occupied homes and rental units. Due to potential lead paint hazards in Rochester's older housing stock, occupied homes constructed prior to 1978 pose a potential threat to city residents, especially younger children (6 years or younger), from lead poisoning. From a public policy perspective, lead-based paint is often presumed to be present in homes constructed prior to 1978, since the U.S. Consumer Product Safety Commission banned the use of lead-based paint in that year.

Childhood lead poisoning is a serious public health threat in the City of Rochester and has been identified by the Director of the Monroe County Department of Public Health (MCDPH) as one of the highest priority local public health issues. Childhood lead exposure can occur because of contact with dirt, dust, and fumes containing lead. Young children that ingest lead contaminated dust, dirt or paint chips or who come into contact with lead-painted surfaces within their reach (e.g., on doors, windowsills, porch decks) are potentially exposed to a significantly increased risk of developing long-lasting cognitive, physiological, and behavioral problems. All of these are important and contributing factors to the lead poisoning issue in the city of Rochester.

According to the Monroe County Department of Public Health, 13,259 children were screened for blood lead levels in 2001 (Monroe County Department of Public Health 2005). Of those screened, 1,179, or 8.9%, had blood lead levels at or above 10 micrograms per deciliter (µg/dL), a concentration that is above the Centers for Disease Control and Prevention's (CDC) acceptable level for young children (CDC 2005). This percentage is a substantially higher rate than the statewide average, which in 2001 was 2.7% (NYS Department of Health 2004). Many of the children identified as having elevated lead blood levels reside in sections of Monroe County where older housing is prevalent and poverty rates are the highest (Lanphear et al. 1998).

Primary prevention is a key strategy in eliminating childhood lead poisoning. Primary prevention involves preventing exposure to lead hazards before blood lead levels reach levels of concern. The current public health policy in New York State and Monroe County does not fully embrace primary prevention and instead relies upon screening children for blood lead levels that equal or exceed 10µg/dL (Lanphear et al. 2005). Following the screening process, children that are determined to have an elevated blood lead level, are treated, tracked, and the family is educated on potential causes of the elevated levels and lead hazard reduction work is identified that is potentially necessary at the home to control the lead hazard. This strategy is inadequate because it fails to identify lead hazards before children are exposed. Lanphear et al. (2005) discussed the need for and effectiveness of screening lead hazards in homes before children are exposed to those hazards. This form of primary prevention has been acknowledged by the City of Rochester and has been integrated into the proposed lead-based paint ordinances. The Monroe County Childhood Lead Poisoning Prevention Program (CLPP), the Coalition to Prevent Lead Poisoning (CPLP), and Rochester's City "LEAD" Program (see Section 2.3) are currently working to put in place the tools to eliminate lead hazards before children are exposed. Coupled with these efforts, a City lead poisoning prevention ordinance will help to further the primary prevention initiatives to eventually eliminate lead poisoning.

The City of Rochester, Monroe County, and many other agencies and advocacy groups in the area recognize the significance of the lead-based paint issue as it relates to the City's residential building stock. The City and County have developed important programs and initiatives to address this issue, focusing their efforts on reducing lead hazards in homes to protect residents from exposure. In addition, a number of active community groups are assisting in the overall effort. These and other lead-related initiatives are discussed in detail in Section 2.3.

To further the City's efforts to prevent human exposure to lead hazards and allow for a more comprehensive approach to addressing lead hazard issues in the city, two Lead Poisoning Prevention ordinances have been proposed for adoption as amendments to the Municipal Code of the City of Rochester. This Generic Environmental Impact Statement (GEIS) objectively evaluates the potential impacts of both proposed Lead Poisoning Prevention ordinances, as well as other alternatives.

## 1.2 Description of the Proposed Action

The proposed action evaluated in this GEIS is the adoption of a Lead Poisoning Prevention ordinance as part of the Municipal Code of the City of Rochester. The ordinances under consideration each require that the presence of deteriorated paint in or on pre-1978 residential structures be evaluated and appropriately addressed in order to prevent human exposure to lead hazards. The Mayor of the City of Rochester, as lead agency for this action which is reviewable under the State Environmental Quality Review (SEQR) Act, has determined that a GEIS be

prepared as an appropriate means to objectively compare and evaluate potential impacts of the proposed ordinances.

The intent of the alternative ordinances evaluated in this GEIS are to prevent exposure of residents to lead-based paint and other lead hazards; however, the alternatives vary in detail and, in some cases, with respect to their essential components. Each alternative ordinance focuses on critical elements that form a basis for comparing the ordinances. Among other things, the major components of the ordinances include the following:

- Property types affected;
- How inspections will be triggered and how lead hazards will be identified;
- Who will perform the inspection, and who will be responsible for the cost of the inspection;
- The scope of the inspection;
- Clearance examination standards for determining the success or failure of interim controls and/or abatement work in eliminating identified lead-paint hazards in homes;
- Who will provide notice to property occupants regarding interior and/or exterior lead-based paint hazard reduction work;
- How occupants will be protected during work site preparation and hazard-reduction work;
- Safe work practices for lead-based paint disturbance;
- Tenant protections, including how occupants will be protected against retaliatory eviction, and what additional protections, rights, and causes of action exist (if any); and
- Disclosure and other requirements upon property transfer.

Section 3 provides a detailed comparison of the critical elements of the alternative ordinances evaluated.

## 1.3 Purpose and Need

Lead poisoning prevention ordinances are being proposed to reduce exposure of Rochester residents (especially those age 6 years and under) to lead by requiring that the presence of deteriorated paint in and on pre-1978 residential structures be evaluated and appropriately addressed. In doing so, human exposure to lead-based paint hazards will be reduced and controlled. The need for a lead ordinance

is based on the significant impact that exposure to lead can have on the cognitive, physiological, and behavioral abilities of residents, especially young children.

The following discussion expands on the need for a lead poisoning prevention ordinance in the City of Rochester. It presents the basis for developing a new code, focusing primarily on the affects of lead poisoning on human health, academic achievement, economic achievement, and the criminal justice system. This section relies on existing research from various sources, such as the United States Environmental Protection Agency (EPA), the Centers for Disease Control and Prevention (CDC), research presented in the New England Journal of Medicine, various studies published by Drs. Bruch Lanphear and Herbert Needleman, and research conducted by University of Rochester professor Katrina Smith Korfmacher. The discussion presents only a summary of the extensive research that has been conducted on this issue. Each of the sources listed below examines various aspects of lead poisoning in depth and documents the need for a lead poisoning prevention ordinance.

The EPA and the CDC have published information about the causes and effects of childhood lead poisoning. Research has been conducted concerning the acute and long-term effects of lead poisoning on children. The New England Journal of Medicine has published several studies concerning lead poisoning affects on a child's IQ score (Canfield et al. 2003; Needleman et al. 1990). In addition, Professor Katrina Smith Korfmacher of the University of Rochester has studied the issue of lead poisoning and its impact on economic achievement. This study referenced several supporting studies previously conducted regarding income loss, health care costs, educational impacts, costs to the criminal justice system, and other societal costs related to the effects of lead poisoning in children. It should be noted that this research was completed in association with the community-based organization, the Coalition to Prevent Lead Poisoning (CPLP).

### 1.3.1 Exposure to Lead

Children may be exposed to lead in a variety of ways. A recent study found that the major source of elevated blood lead levels in children is lead-contaminated dust found in the home (Lanphear et al. 2002). Lead-based paint that was used in homes prior to 1978 is considered the major source of lead poisoning. Lead hazards are found where the paint is peeling, chipping, cracked or otherwise deteriorated. Windows and windowsills, doors and doorframes, stairs, railings and banisters, and porches are major sources of lead-contaminated dust. Such dust is typically generated by friction or impact with such surfaces. Lead dust and chips can also form when dry paint is scraped and sanded. These and other construction activities can cause the lead-contaminated dust to become airborne, increasing potential exposure to lead.

Lead in the soil around the home is also a possible source of exposure. Soil lead can derive from the exterior use of lead-based paint. Other sources of household lead include lead pipes or lead solder used in plumbing, old painted toys, and

leaded crystal or pottery. Since children can be exposed to lead from a number of sources, it is very important that all sources of exposure be considered and controlled. A recent study found that identifying lead hazards prior to purchasing, occupying, or renovating a home can reduce children's exposure to lead (Lanphear et al. 2005). And assessment of the HUD Lead Hazard Control Program has indicated that identifying and removing lead hazards leads to reduced exposure of children to lead for at least three years after the lead hazard intervention (Galke et al. 2001).

### 1.3.2 Symptoms/Treatment

Lead's principal effect involves neurodevelopment in children. Studies by Canfield et al. (2003) suggest that blood lead concentrations in children are to a degree inversely associated with IQ. Canfield et al. (2003) reported that a blood lead concentration of 10µg/dL has been associated with an IQ deficit of 7 points compared to a control population, and that a blood lead concentration of 20µg/dL is associated with an additional IQ deficit of 4 points, although it is not certain how these reported lead-induced IQ deficits affect intelligence or behavior later in life.

Other symptoms of lead poisoning include behavioral and learning problems, slowed growth, hearing problems, hyperactivity, and headaches (EPA 2005a). Lead can also be harmful in adults. Elevated blood levels in adults can cause reproductive problems, difficulty in pregnancy, miscarriages, high blood pressure, nerve disorders, memory and concentration problems, and muscle and joint pain (EPA 2005a). High lead levels during pregnancy can ultimately affect the health of the fetus and cause low birth weights, stillborns, pre-term delivery, and developmental delays in the infant (ATSDR 1999b).

The best means of diagnosing lead poisoning is to determine blood lead concentrations. According to the CDC, evidence of lead exposure is indicated by blood lead concentrations greater than or equal to 10 µg/dL (Bellinger 2004). As described above, some studies suggest that a blood lead concentration of 10µg/dL is associated with decreased IQ (Canfield et al. 2003). The CDC's Advisory Committee on Childhood Lead Poisoning Prevention (ACCLPP) recommends that children enrolled in Medicaid should be tested at 12 months and then again at 24 months to screen for lead poisoning. The ACCLPP also recommends that children in at-risk neighborhoods begin testing at 6 months of age (CDC 2000).

Once lead poisoning has been identified, two options to address the problem are typically considered. The most common option is to remove the child from the lead source so that further exposure is minimized, after which blood lead concentrations will decrease. Chelation is another option. Chelation therapy is the administration of a drug that draws toxic metals from the bloodstream so that the body can pass them more effectively. This is usually employed only for those with extremely high blood lead concentrations, typically 45µg/dL or higher. (Smith Korfmacher 2003).

### 1.3.3 Lead Poisoning Effects on Learning

Since lead exposure in some studies has been associated with deficits in IQ scores, some researchers have suggested lead exposure will impact a child's ability to perform in school. Needleman et al. (1979 and 1990) reported that lead poisoned children are more likely to develop various learning disabilities, Attention Deficit Hyperactivity Disorder, decreased vocabulary and grammar abilities, poor hand-eye coordination, the loss of recently acquired skills, and, in some cases, mental retardation.

Needleman et al. (1990) reported that learning disabilities associated with lead exposure have resulted in children who experience increased absenteeism, a lower class ranking in high school, and are seven times more likely to drop out of high school. Smith Korfmacher (2003) suggested that the neurological effects of lead can ultimately cause children to require special education classes; it was estimated that 20% of children with blood lead concentrations of 25 µg/dL or greater will need to be placed into special education classes.

### 1.3.4 Lead Poisoning Effects on Delinquent Behavior

Research has suggested that the neurobehavioral effects of lead poisoning can influence how an individual reacts to everyday situations, including tendencies toward aggression and delinquent behavior (Needleman et al. 1996, 2004). A recent study has estimated that delinquency due to early exposure to lead ranged from 11% to 38% for arrested juvenile delinquents in the Pittsburg, Pennsylvania area (Needleman 2004).

### 1.3.5 Lead Poisoning and the Economy

There are indications in the scientific literature that lead poisoning may impact the economy in many ways—from reduced earning potential, costs for health care, costs for special education, and costs to the criminal justice system. A recent study (Landrigan et al. 2002) stated that the annual cost of lead poisoning in American children is over $43 billion, which the study claims is 80% of the cost of all environmentally associated diseases. Given this research, reducing lead poisoning could potentially benefit the economy by reducing the cost of public services.

Other research has shown that a lower IQ results in reduced earned income over a person's lifetime (Smith Korfmacher 2003). Smith Korfmacher (2003) estimated that New York State is losing approximately $78 million in tax revenue each year due to lost income from children having blood lead concentrations over 10µg/dL. The study estimated that the lifetime reduction in income earnings for children with lead poisoning is 1.61%, resulting in New York State losing approximately $3 billion of income for each birth cohort of children with blood lead concentrations over 10µg/dL. Smith Korfmacher's study also suggested that the economic impact could potentially be higher since the effects of blood lead concentrations

less than 10µg/dL on the lifetime earnings are not well known (Smith Korfmacher 2003).

The costs of health care needed to treat children with blood lead concentrations of 10µg/dL or greater could have immediate and long-term economic effects. The initial treatment of all children 0 to 6 years of age in New York State costs approximately $3.1 million annually (in 1996 dollars) (Smith Korfmacher 2003). These costs include repeated testing, environmental investigations, hazard control in patients' homes, and, rarely, chelation therapy. These costs, however, do not include the health care costs for behavioral and learning problems that may be associated with lead poisoning. The long-term costs of lead poisoning are not as well understood, but would include any costs associated with the long-term effects of lead poisoning, such as osteoporosis and adult hypertension (Smith Korfmacher 2003). Smith Korfmacher (2003) believes that the long-term costs of lead poisoning may dwarf the initial costs.

If one assumes that children with lead poisoning have a variety of learning disabilities and thus need to enter into special education classes, it is expected that schools throughout the state would need to spend millions of dollars to accommodate them. According to Smith Korfmacher (2003), eliminating the number of children with lead poisoning could save schools in New York State approximately $9.7 million each year. This amount is the cost of 20% of children with blood lead concentrations greater than 25µg/dL receiving 3 years of special education classes. This amount does not take into account the costs for any other educational needs of these children or the additional educational needs of children with blood lead concentrations below 25µg/dL. This research suggests that school systems would substantially benefit from eliminating childhood lead poisoning (Smith Korfmacher 2003).

If there is a causal relationship between lead poisoning and delinquent behavior and violent crimes, as suggested by Needleman et al. (1996), then eliminating lead poisoning could have significant social benefits, including cost savings associated with reduced incarceration and a reduction in the number of crime victims. Recent research estimated that it costs New York State $12 to $34 million per year to place juvenile delinquents in residential treatment facilities (Smith Korfmacher 2003). Smith Korfmacher also suggests that this could be a gross underestimate and that the long-term costs of incarceration for these individuals could be much greater.

In summary, the purpose and need for enacting an effective lead poisoning prevention ordinance has been well documented and addressed on a variety of levels.

## 1.4 SEQR Process

This document has been prepared in accordance with the New York State Environmental Quality Review (SEQR) Act, established by Article 8 of the New York State Environmental Conservation Law and implemented by Title 6 of the New

York State Codes, Rules and Regulations (NYCRR), 6 NYCRR, Part 617. This document has also been prepared in accordance with Chapter 48 of the Rochester Municipal Code, the purpose of which is to incorporate consideration of environmental factors into the decision-making processes of City government at the earliest possible time. The SEQR process considers environmental factors early in the planning stages of actions that are directly taken, funded, or approved by local, regional, and state agencies. This GEIS is being prepared to evaluate the environmental consequences of adopting a lead poisoning prevention ordinance into the Municipal Code of the City of Rochester. SEQR provides for preparation of GEISs for proposed actions that are programmatic and/or not site specific.

In January 2005 the City of Rochester filed a Positive Declaration, a full Environmental Assessment Form (EAF), and a Notice of Intent to prepare a Draft GEIS for proposed City Code Amendments to enact a Lead Poisoning Prevention Ordinance. The Mayor of the City of Rochester, as designated lead agency for this SEQR review, determined this action requires that an Environmental Impact Statement be prepared. A copy of the Positive Declaration, EAF, and supporting SEQR information are included in Appendix A. A public scoping meeting was held on February 28, 2005. The City received written scoping comments through the close of the public scoping comment period on March 24, 2005.

Following issuance of the Draft GEIS, the City will hold a 30-day public comment period, which will include a public hearing. Notice of the availability of the Draft GEIS will be published in local newspapers and the Environmental News Bulletin. The public comment period and public hearing will provide interested parties with the opportunity to provide comments on the draft document. All substantive and relevant comments received will be addressed in the development of the Final GEIS.

# 2 Existing Statues, Regulations, Practices, Programs, and Policy

This Section outlines the current laws, regulations, practices, and programs in place that define the need for the proposed action.

## 2.1 Review of Existing Federal, State, and Local Laws and Regulations

The following provides a summary of the key federal, state, and local laws and regulations referenced in the proposed legislation and/or that are directly applicable to lead poisoning issues.

The passage of the Lead-Based Paint Poisoning Prevention Act (LBPPPA) in 1971 marked Congress's first attempt to regulate lead-based paint. By this act, Congress prohibited the use of lead-based paint and created programs to further research its effects on health. Since then, Congress has legislated repeatedly to control lead-based paint hazards and reduce lead poisoning. The primary federal statute regulating lead-based paint is the Toxic Substances Control Act (TSCA). Enacted in 1976, TSCA authorizes the EPA to control substances that pose an unreasonable risk to public health or the environment. In 1992, TSCA was amended by passage of the Residential Lead-Based Paint Hazard Reduction Act (Title X) to include Section IV, entitled "Lead Exposure Reduction." Section IV provides a comprehensive regulatory scheme for identifying, measuring, and abating lead and requires dissemination of information about lead and other community awareness actions.

In addition to amending TSCA, Title X requires federal agencies to work together to protect families from lead-based paint hazards in their homes. Specifically, Title X mandates disclosure of known lead-based paint upon sale and transfer of certain residential housing. Title X also addresses lead-based paint requirements for HUD-owned and other federally funded housing. Title X provides further lead regulations for HUD-owned and federally funded housing.

Mindful of Congress's efforts to control and reduce lead-based paint hazards, New York State has implemented its own laws and regulations to further protect its residents from the harmful effects of lead-based paint. The New York State Legislature has enacted laws, and the New York State Department of Health has promulgated appropriate regulations mandating lead screening, reporting, educa-

tion, and community awareness. In addition, the laws and regulations require local health units to work together to support state lead-based paint initiatives.

The New York State Department of State has incorporated deteriorated paint provisions in Section 304.3 of the NYS Property Maintenance Code. These provisions address the correction of peeling, chipping, flaking, and abraded paint conditions present in and on buildings within the state.

Lastly, New York State's Real Property Law and Real Property Actions and Proceedings Law provide residential tenants with specific protections and rights in the event their housing contains hazardous conditions in violation of State law or State code.

### 2.1.1 Federal

#### Statutes

- **15 USC §2601 et seq. (Toxic Substances Control Act)**
  The Toxic Substances Control Act (TSCA) requires reporting and testing of chemicals, including lead, posing an environmental and/or human health hazard. Specific applicable TSCA provisions include §2685, addressing lead abatement and measurement and establishes programs for lead detection, lead sampling, and community awareness. In addition, §2686 mandates the publication and distribution of a lead hazard information pamphlet.

- **42 USC §3545 (HUD Accountability)**
  This law addresses public notice, disclosure, and documentation requirements, as well as administrative practices and procedures related to HUD properties. It also provides for judicial review and penalty imposition for violations of HUD lead-based paint regulations.

- **42 USC §§4821 – 4822, 4831, 4841-4846 (Lead-Based Paint Poisoning Prevention)**
  These laws address several lead-based paint issues, including the development of a demonstration and research program (§4821), lead-based paint requirements for housing receiving federal assistance (§4822), the prohibition of future lead-based paint use (§4831), and other administrative matters (§§4841-4843). §4846 operates to supersede and void any state and local laws that differ or conflict with federal lead-based paint laws.

- **42 USC §4851 et seq. (Residential Lead-Based Paint Hazard Reduction Act/Title X)**
  These laws operate to protect families from exposure to lead poisoning due to lead-based paint hazards present in residential properties. Particularly relevant provisions include §4852 (federal grants for certain properties), §4852c (guidelines for lead evaluation and reduction activities), §4865d (requiring the

disclosure of known lead-based paint before the sale of most housing constructed prior to 1978) and §4853 (worker protection).

## Regulations

- **16 CFR Part 1303 (Consumer Product Safety Act Regulations)**
  This part of the Consumer Product Safety Act Regulations addresses the ban of lead-containing paint and certain consumer products bearing lead-containing paint.

- **24 CFR Part 35 (Lead-Based Paint Poisoning Prevention in Certain Residential Structures) (US Department of HUD)**
  This part includes regulations that serve to implement the Residential Lead-Based Paint Hazard Reduction Act and other lead-based paint laws contained in 42 USC §4851 Subpart A of this part sets forth disclosure requirements for sellers, lessors, and agent responsibilities. Subpart L regulates lead-paint issues with respect to public housing programs. Subpart R addresses the methods and standards for lead-paint evaluation and hazard-reduction activities. The remaining subparts regulate other lead issues, including federal assistance, HUD-owned property, and general lead requirements.

- **29 CFR §1926.62 (Safety and Health Regulations – Occupational Health and Environmental Controls) (US Department of Labor)**
  This regulation applies to construction work that creates a lead exposure risk. It requires an employee exposure assessment, lead exposure monitoring, and implementation of a compliance program and engineering and work practice controls to reduce and control lead exposure. The regulation mandates employers to provide certain safety equipment and clothing to protect against exposure and requires employers to conduct medical examinations as needed.

- **40 CFR §261.3 (Identification and Listing of Hazardous Waste) (EPA)**
  This regulation identifies and lists lead as a hazardous waste and provides exclusion levels.

- **40 CFR Part 745 (TSCA - Lead-Based Paint Poisoning Prevention in Certain Residential Structures) (EPA)**
  These regulations serve to implement TSCA as it relates to lead-based paint. Particularly relevant is Subpart E, which regulates notice and record-keeping requirements; Subpart F, which regulates disclosure requirements; and Subpart L, which regulates lead-based paint activities and work practice standards.

### 2.1.2 New York State

- **Public Health Law**
  The Public Health Law contains provisions that govern the control of lead poisoning in New York and establishes an advisory council to develop state-wide plans and systems to combat lead poisoning. Specifically, §§1370c-1370e mandate screening and reporting of lead levels; §1372 prohibits the use of lead paint; §1373 authorizes the Commissioner of Health to serve a notice and demand to abate lead hazard conditions to property owners; and §1376-a regulates the sale of consumer items containing lead.

- **Real Property Law §§223-b, 235-b**
  §223-b of New York's Real Property Law prevents retaliation by a landlord against a tenant for a tenant's good faith complaint against the landlord for violations of New York's health or safety laws, regulations, or codes. §235-b of New York's Real Property Law requires that every landlord, as part of a written or oral rental or lease agreement, warrant that the premises rented or leased are fit for human habitation and safe from dangerous and/or hazardous conditions (the warranty of habitability).

- **Social Services Law §143-b**
  This Social Services Law grants a public welfare official the power to withhold payment of rent to a landlord (on behalf of a party receiving public assistance toward the rental of housing) if such housing violates code and contains conditions that are dangerous, hazardous, or detrimental to life or health.

- **Real Property Actions and Proceedings Law §755**
  §755 of New York's Real Property Actions and Proceedings Law authorizes a court to stay or dismiss eviction or rent recovery proceedings against a tenant if the dwelling is, or is likely to become, dangerous to life, health or safety, or if the conditions operate to "constructively evict" the tenant from a portion of the dwelling.

- **10 NYCRR Part 67 (Department of Health Lead Poisoning Prevention and Control Regulations)**
  Title 10, Part 67 of NYCRR addresses lead poisoning prevention and control. Subpart 67-1 regulates mandatory lead screening, laboratory and screening processes, and the role of local health units. Subpart 67-2 regulates lead testing, sampling, reporting, and abatement matters. Subpart 67-3 regulates the reporting of elevated lead levels.

- **Property Maintenance Code**
  §304.3 of the Property Maintenance Code is issued by the New York State Department of State and contains provisions addressing the correction of peeling, chipping, flaking, and abraded paint. It also prescribes safe and effective techniques for the correction of deteriorated paint conditions.

### 2.1.3 Local

- **Monroe County General Local Law, Part IV (Criteria for conduct of elevated blood lead level investigation)**
  §285-1 of the Monroe County General Local Law gives the Monroe County Department of Public Health's Lead Poisoning Prevention Program authorization to conduct elevated blood lead level investigations pursuant to the New York State Public Health Law statutes and regulations for any dwelling inhabited by a child up to 72 months of age whenever that child has two confirmed blood lead screening tests between 15 and 19 µg/dL within a one-year period.

- **City Code of Rochester**
  - The City Code of Rochester §90-14(A) states that paint containing more than 0.5% lead by weight shall not be applied to any exterior or interior surface. Where such paint is found, it shall be promptly refinished or resurfaced.
  - The City Code of Rochester §120-158.3 states that replacement windows in a designated building of historic value shall utilize true divided lights or simulated divided lights when matching the original mullion and/or muntin configuration. This would not include interior-only grids or grids between the panes of glass, except where window are being replaced in order to abate lead paint hazards.

## 2.2 Review of Existing Lead Hazard Control Practices

This section provides a general discussion of lead-safe work practices, lead hazard control methods, including abatement and interim controls, and a discussion of issues associated with maintenance/repetition of interim controls. 24 CFR Part 35 outlines HUD's regulations on lead-based paint hazards in federally owned housing and housing receiving federal assistance (i.e., Section 8 housing).

### 2.2.1 Lead-Safe Work Practices (LSWP)

Lead-safe work practices are a critical component of, and must be used during, lead hazard reduction activities. This includes rehabilitation and maintenance work that involve surfaces that are presumed or identified as containing lead-based paint. According to HUD, there are four primary components of lead-safe work practices (24 CFR 35.1350):

1. **Occupant Protection.** Appropriate actions must be taken to protect occupants from lead-based paint hazards associated with lead hazard reduction, paint stabilization, maintenance, or rehabilitation activities;

2. **Work Site Preparation and Containment.** The work site must be prepared to prevent the release of leaded dust and debris;

3. **Prohibited Methods.** Some methods may not be used at any time to remove paint that is or may be lead-based. The following is a list of prohibited methods listed in accordance with 24 CFR 35.140.

   - Open flame burning or torching.
   - Machine sanding or grinding without a high efficiency particulate air (HEPA) local exhaust control.
   - Heat guns operating above 1,100 degrees Fahrenheit or those that operate at a temperature hot enough to char the paint.
   - Dry sanding or dry scraping.

     Note: Exceptions to this prohibition include:
     – Dry scraping in conjunction with heat guns;
     – Dry scraping within 1.0 foot (0.2 meter [m]) of electrical outlets;
     – Treating deteriorated paint spots that total no more than 2 square feet (0.2 $m^2$) on any one interior room or space; and
     – Treating deteriorated paint spots that total no more than 20 square feet (2.0 $m^2$) on exterior surfaces.
   - Paint striping in a poorly ventilated space using a volatile stripper that is a hazardous substance in accordance with regulations of the Consumer Product Safety Commission at 16 CFR 1500.3 and/or a hazardous chemical in accordance with the Occupational Safety and Health Administration (OSHA) at 29 CFR 1010.1200 or 1926.59, as applicable.

     Note: Methylene chloride paint stripper may cause cancer and should be avoided.

4. **Work Site Cleanup.** Work site cleanup removes dust and debris from the work area. Good cleanup is critical to passing clearance and leaving the unit safe for habitation. Work site cleanup must be done using methods, products, and devices that are successful in cleaning lead-contaminated dust, such as vacuum cleaners with HEPA filters and household or lead-specific detergents.

### 2.2.2 Lead Hazard Control

Lead hazard reduction methods are specific types of treatments implemented to control lead-based paint hazards. The type of housing activity being undertaken determines the method of Lead Hazard Reduction required. There are two Lead Hazard Reduction methods—abatement and interim controls. The following is a summary of the Lead Hazard Reduction methods that are in compliance with 24 CFR 35.1330 and 35.1325.

#### 2.2.2.1 Abatement

Abatement is a Lead Hazard Reduction method that is designed to permanently eliminate lead-based paint or lead-based paint hazards. ("Permanent" is defined as having a 20-year expected life.) Abatement must be performed by certified abatement workers (i.e., who have successfully completed an EPA-accredited abatement worker course) supervised by a certified abatement supervisor (i.e., certified by EPA). Abatement activities include:

- Removing lead-based paint and its dust,
- Permanently encapsulating or enclosing the lead-based paint,
- Replacing components containing lead-based paint, and
- Removing or permanently covering lead-contaminated soil.

#### 2.2.2.2 Interim Controls

Interim controls are Lead Hazard Reduction activities that temporarily reduce exposure to lead-based paint hazards through repairs, painting, maintenance, special cleaning, occupant-protection measures, clearance, and education programs. A person performing paint stabilization, interim controls, or standard treatments must be trained in accordance with OSHA Hazard Communication requirements (29 CFR 1926.59) and must be supervised by a certified lead-based paint abatement supervisor, or must have successfully completed a HUD-approved training course (see Section 3.3.3). Interim control methods require safe work practices and include:

- **Paint stabilization.** Repair any physical defect in the substrate of a painted surface that is causing paint deterioration, remove loose paint and other material form the surface to be treated, and apply a new protective coating or paint
- **Treatment for friction and impact surfaces.** Correct the conditions that create friction or impact with surfaces with lead-based paint.
- **Treatment for chewable surfaces.** If a child under age six has chewed surfaces known or presumed to contain lead-based paint, these surfaces must be enclosed or coated so that they are impenetrable.
- **Lead-contaminated dust control.** All rough, pitted, or porous horizontal surfaces must be covered with a smooth, cleanable covering. Carpets must be vacuumed on both sides using HEPA vacuums or equivalent.
- **Lead-contaminated soil control.** If bare soil is contaminated with lead, impermanent surface coverings such as gravel, bark, and sod, as well as land use controls such as fencing, landscaping, and warning signs, may be used.

#### 2.2.2.3 Standard Treatments

Standard treatments may be conducted in lieu of a risk assessment and interim controls. That is to say, lead-based paint is presumed to be present and all painted surfaces are treated as such. Standard treatments are designed to reduce all lead-based paint hazards in a unit and must be performed on all applicable surfaces, including bare soil, to control lead-based paint hazards that may be present. All standard treatment methods must follow lead-safe work practices. Standard treatments consist of a full set of treatments that include:

- Paint stabilization,
- Creating smooth and cleanable horizontal surfaces,
- Correcting dust-generating conditions, and
- Addressing bare residential soil.

#### 2.2.2.4 Interim Control Maintenance

Following completion of interim controls, maintenance activities must be undertaken to avoid creating new lead hazards. Maintenance includes:

- Frequent cleaning of surfaces (e.g., windowsills, floors, carpets), including dusting and wiping with a wet sponge;
- Checking walls for cracks, leaks, chipping, and peeling;
- Repairing cracking, peeling, or chipping paint; and
- Repairing windows so that they slide/open easily.

### 2.2.3 LSWP Training Resources

There are sources in Rochester that offer instruction and training in lead-safe work practices. These typically consist of a one-day HUD-approved training course. The Monroe County Department of Public Health offers an 8-hour Lead-Safe Work Practices training class to teach lead-safe work practices to anyone who regularly disturbs lead-based paint, at no cost to the attendees. The course provides information on containment, reduction/control, and cleanup of lead hazards.

The City of Rochester's "City LEAD" program provides funding for training contractors and property owners in lead-safe work practices. The City of Rochester has entered into an agreement with the Housing Council to deliver HUD-approved workshop programs to property owners and the general public. This training provides property owners with information on lead-based paint hazard issues and the knowledge and know-how to carry out lead control work in a safe manner.

The City has also entered into an agreement with a private training firm to provide EPA-certified abatement training to local contractors. The community will benefit from the training by helping to increase the number of certified abatement firms that will serve local property owners who require lead-abatement services.

## 2.3 Existing Lead Initiatives

### 2.3.1 City of Rochester Lead Hazard Control Initiatives

The City of Rochester has several lead hazard control initiatives that are currently working to address lead poisoning in children. The City provides financial assistance to homeowners and landlords to create lead-safe housing. The City works together with Monroe County to provide lead-safe housing units under the HUD grant program. In conjunction with, and supported by, the City of Rochester, the CPLP is implementing a public communications campaign designed to develop a variety of educational materials and neighborhood-based programs for increasing lead hazard awareness.

The City of Rochester has received three funding awards from HUD's Office of Healthy Homes and Lead Hazard Control, which have provided the City with funding to expand its Lead Hazard Control efforts. These awards, along with the $8.8 million the City has committed to these efforts, provide $16.8 million to combat lead poisoning (City of Rochester 2005c).

#### 2.3.1.1 "City LEAD"

City LEAD is funded through HUD grants, the City of Rochester, and private funds, totaling approximately $16 million (City of Rochester 2005c). Financial assistance is provided to homeowners and landlords in Rochester through "City LEAD." This initiative is geared toward providing funding to "high-risk" properties located in "at-risk" neighborhoods within the city limits. "City LEAD" provides forgivable loans of up to $24,000 per unit in order to create 600 units of lead-safe housing by 2008. Eligible owners receive a risk assessment to identify any lead hazards present in the unit and are required to attend an 8-hour lead-safe maintenance and work practices training program. Lead hazard control work is performed by trained contractors.

This program includes funding for lead hazard evaluations, child blood lead testing, education and outreach, and communication campaigns. The City also contracts with the Housing Council to assist the City with the intake process for landlord applications and provides local landlords with lead-safe workshops and other information. Another aspect of the "City LEAD" initiative is geared towards contractor training. The City offers a free training course to enable contractors to gain EPA certification for lead abatement work. The goal is to produce a minimum of 100 EPA-certified contractor workers by December 2005.

#### 2.3.1.2 Other City Initiatives

The City has funded a 2-year communication campaign designed to reach populations most affected by lead poisoning. This campaign is being undertaken by the Coalition to Prevent Lead Poisoning. The work of this campaign has included media productions, community presentations, development of education materials, and neighborhood-based programs for increasing lead hazard awareness.

#### "Get the Lead Out"

The 2-year "Get the Lead Out" (GLO) initiative is part of the City's outreach and education component of its lead hazard control initiative. The University of Rochester and Action for a Better Community have undertaken this initiative, which focuses on primary health care, housing, and education in at-risk neighborhoods within the city. GLO originally began to work within the Jay/Orchard Street neighborhood and has expanded to provide assistance to over 100 families throughout the city.

#### "Dust Wipes for All"

As part of the GLO initiative, the City provides funding to Action for a Better Community to run "Dust Wipes for All." The focus of this initiative is to screen for the presence of lead hazards by providing lead dust wipes to residents located in the target neighborhoods and to provide services to families enrolled in GLO.

### 2.3.2 Monroe County Lead-Based Paint Initiatives

The MCDPH has instituted lead hazard initiatives and has operated a Childhood Lead Poisoning Prevention Program (CLPP) for more than 30 years. CLPP program provides various services and programs to the local community. Through this program, the county conducts environmental assessments, provides educational outreach, and responds to complaints of improper lead hazard activities.

#### 2.3.2.1 Childhood Lead Poisoning Prevention Program

The MCDPH has implemented a comprehensive Childhood Lead Poisoning Prevention Program that provides various services and programs to the local community. The MCDPH provides the following services for the community:

- Maintains a LEADTRACK database, which provides information on over 90,000 children in Monroe County who have been tested for elevated blood lead levels. The database also includes homes that have been determined to be lead safe, which is shared with the Monroe County Department of Human and Health Services (MCHHS) and various community-based organizations that provide housing assistance.

- Provides outreach to families of children with elevated blood lead levels greater than 10µg/dL.

- Conducts environmental assessments of all residences of children with blood lead levels grater than 20µg/dL. The assessments include a full educational

intervention, identification of lead hazards, issuance of a Notice of Demand to inform the homeowner of the time frame given to eliminate all identified hazards, and now require clearance testing to verify compliance. Through this effort, lead control work has been conducted at 1,035 housing units.

- Provides educational outreach on lead poisoning to the general public, health professionals, property owners, contractors, and other community organizations.

- Responds to complaints of improper lead hazard control activities. The county can issue Cease-and-Desist Orders to stop any unsafe activities, order cleanup of lead contamination, and verifies that cleanup is preformed properly.

- Provides free 8-hour Lead-Safe Work Practices training to teach lead-safe work practices to anyone who regularly disturbs lead-based paint. The course provides information on containment, reduction/control, and cleanup of lead hazards.

#### 2.3.2.2 HUD Lead Hazard Control Grant

Administers a HUD Lead-Based Paint Hazard Control Grant awarded in 2001. The $2.1 million grant funds a collaborative effort by the MCDPH, the City of Rochester, and the Greater Rochester Housing Partnership. The grant is used to control lead hazards in 380 housing units in high-risk neighborhoods.

#### 2.3.2.3 Healthy Neighborhoods Grant

MCDPH received a 3-year, $100,000 Healthy Neighborhood grant from the New York State Department of Health for the prevention of childhood lead poisoning. The grant is funding the outreach and environmental staff to conduct individual lead investigations in over 200 homes in the six highest risk zip code areas in Rochester. The investigations will target homes with children without previously elevated blood levels. In addition to the investigations, each household will be given educational information about the hazards of lead, along with an intervention kit with various important household items.

### 2.3.3 Community-based Initiatives

Several community groups assist in the community's efforts to eliminate lead poisoning. These groups are committed to eliminating lead poisoning through prevention and education; identifying funding options to remove lead from homes; and advocating for the implementation of lead poisoning legislation. These efforts are working together to achieve the goal of eliminating lead poisoning in children.

#### 2.3.3.1 The Coalition to Prevent Lead Poisoning

The Coalition to Prevent Lead Poisoning was originally formed as the Rochester Lead Free Coalition in 2000 to combat the issue of childhood lead poisoning.

This coalition is a community-wide organization of governmental and nongovernmental entities that has been a local advocate for prevention of lead poisoning through education, legislation, and better housing. The Coalition's mission is to "*provide leadership and advocacy in a local effort to empower the community and its residents to prevent the lead poisoning of children by creating an environment that is free of lead hazards*" (CGR 2002). The ultimate goal of the Coalition is to assess community needs and develop strategies to make Monroe County lead-safe by 2010.

The Coalition formed the Fund the Fix Work Group to research information and make recommendations on how to provide resources to eliminate lead from the community, especially in low-income neighborhoods. The Work Group's goal was to identify, develop, and disseminate various funding options for homeowners and landlords to remediate lead hazards in their homes. The Work Group also provided information to the community about how homeowners can obtain additional funding.

The Work Group developed a Fund the Fix Report that found that many public and private funding resources are available, and that some landlords and homeowners may face limitations in obtaining the available funding. Some of the limitations identified include a high loan-to-value ratio on the property, impaired credit, and limited income, among others. The findings of the report showed that little to no resources exist for landlords who do not qualify for government programs, especially smaller landlords (Coalition to Prevent Lead Poisoning 2004).

#### 2.3.3.2 "Get the Lead Out"

The 2-year "Get the Lead Out" (GLO) initiative is part of the City's outreach and education component of its lead hazard control initiative. The University of Rochester and Action for a Better Community have undertaken this initiative, which focuses on primary health care, housing, and education in at-risk neighborhoods within the city. GLO originally began to work within the Jay/Orchard Street neighborhood and has expanded to provide assistance to over 100 families throughout the city.

#### 2.3.3.3 "Dust Wipes for All"

As part of the GLO initiative, the City provides funding to Action for a Better Community to run "Dust Wipes for All." The focus of this initiative is to screen for the presence of lead hazards by providing lead dust wipes to residents located in the target neighborhoods and to provide services to families enrolled in GLO.

## 2.4 Review of Efforts in Other Cities that Have Adopted Similar Lead Ordinances

Rochester is not the first city to attempt to implement a lead poisoning prevention ordinance. Cities such as Milwaukee, New Orleans, and New York City, among others, have introduced lead hazard legislation similar to the ordinances proposed for Rochester. All of these ordinances, similar to the proposed ordinances, re-

quire the maintenance and/or elimination of presumed lead hazards, with the goal of eliminating lead poisoning in children.

### 2.4.1 Milwaukee, Wisconsin

#### 2.4.1.1 Pilot Ordinance

The City of Milwaukee, Wisconsin, enacted a 3-year Residential Rental Property Lead-Based Paint Hazard Control Pilot Project (also known as the Community Lead-Safe Zone Ordinance). This lead-based paint project began on May 1, 1999, and was administered by the Milwaukee Health Department (MHD). The provisions of this ordinance were designed to control lead-based paint hazards in pre-1950 rental properties in two high-risk neighborhoods located within the City. The ordinance required owners of rental properties to control lead hazards, pass a MHD risk assessment or reinspection, and procure a lead-based paint hazard control certificate by May 1, 2000.

The ordinance required the owners of properties found to have possible lead hazards to perform lead hazard control on deteriorated windows, to stabilize other deteriorated lead-based paint surfaces, and to maintain the units. Owners were also required to perform visual inspection of units and perform "essential maintenance practices," if needed, whenever tenants notified them about a suspected lead hazard and whenever tenants vacated the premises. The ordinance prohibited owners from evicting any tenant because the tenant notified the City of possible lead hazards. Units that were found not to be in compliance were subject to rent withholding.

In order to reduce costs to homeowners, the costs of lead hazard controls could be defrayed by City/HUD grants, the certificate requirement was waived if grant funds were not available, and the risk assessments and reinspections were preformed by the MHD at no charge. In addition, the City offered free lead-safe work practices training. The City was authorized to institute lead hazard controls in properties that were out of compliance and to levy a charge against the property for up to 40% of the property's value.

The Milwaukee ordinance was similar to the proposed Rochester ordinances in that it required lead hazard controls to be preformed by owners who were found to have possible lead hazards in the home. The main difference between the Milwaukee ordinance and the proposed Rochester ordinances is that it applied only to pre-1950 buildings. Another difference is that the Milwaukee ordinance included funding opportunities to reduce the cost of risk assessments and lead abatement.

#### 2.4.1.2 Evaluation of Pilot Ordinance

Following the implementation of the Pilot Ordinance, a report was compiled by the National Center for Healthy Housing for the Milwaukee Health Department (MHD) and Battelle Memorial Institute to evaluate the effectiveness of the ordinance. This report, "The Milwaukee Pilot Ordinance: An Evaluation of the Implementation Process," discusses many of the findings of the implementation

process which has been incorporated and utilized where applicable throughout this GEIS.

MHD actively organized the implementation of the pilot project. According to the report, the highly organized MHD officials, in addition to HUD, secured funding for properties to become compliant, which were essential in the success of this program. The first step of the implementation process was to notify effected property owners of the pilot project and the financing and technical assistance provided by the MHD. The notification process included direct mailings, group meetings, and one-on-one outreach. In order to ensure compliance, the MHD staffed four full-time, environmental inspectors, their supervisor and an administrative assistant, who were responsible for the ordinance enforcement effort.

Over the course of the 3-year Pilot Ordinance, nearly one hundred percent of the target properties were inspected. Of those properties inspected, 90% were found to need window treatment, 99% of those homes were successfully abated. By the one-year deadline, the MHD had successfully brought 49% of the properties in the target areas into compliance. Four months after the deadline, 77% of the properties were brought into compliance. The study found that the average cost per property for the required lead hazard controls to be $1,613, with the average cost per unit for the owner at $434. Nearly half of the owners in the target area did not incur any additional costs. After the two-year re-inspection the MHD found that 80% of the homes were still in compliance with the MHD lead safe housing standard.

As a result of this pilot project, MHD has been able to develop a new voluntary primary prevention project which has resulted in the voluntary treatment of 100 properties a month. In coordination with this voluntary primary prevention, the MHD has secured funding for homes where children have been found to have high blood lead levels.

The Milwaukee Pilot Ordinance report outlines several lessons learned from the implementation of the ordinance:

- Infrastructure and capacity: Based on the implementation and enforcement process undertaken by the MHD, it learned that a major factor in the success of the ordinance was a strong infrastructure and a dedicated team of risk assessors. The MHD learned that the penalties for non-compliance must be severe enough to raise the level of concern and change owner's behavior.

- Clear Language: The language within the ordinance must be extremely specific to the required actions and who is responsible for those actions.

- Resistance from property owners and tenants: The MHD realized that it is important to understand why property owners and tenants resist complying with the ordinance. The MHD learned that programs that use primary preven-

tion should have specific strategies for enforcement and softening resistance. These programs must also have a subsidy ratio or at least 3:1, intra-agency cooperation and a highly trained contractor base with the ability to complete projects in less than a week. MHD found that although tenants generally didn't resist the compliance, they would get frustrated if they were displaced for an extended period of time.

- Voluntary solutions: Voluntary solutions to lead-based paint are only effective when the owners realize that a primary prevention approach is affordable, can be done in a short period of time, and is in their best interest. As a result of the ordinance, MHD found that property owners outside of the pilot areas were interested in developing a proactive approach for their own communities. This fully funded voluntary approach that developed outside the pilot project, decreased the requirements for staff resources and increased the number of units remediated.

- Owners of Multiple properties versus owners of one or two units: The MHD found that owners of multiple properties complied quicker than those owners who owned just one or two properties. This was due to the availability of funds and maintenance crews who could complete the work within a short time period. Owners of units who owned just one or two properties generally had limited funds and were fully employed in a business other than contracting/home improvement. Many of these owners found that they didn't have the time, financial ability or physical ability to comply with the ordinance within the required time period. As a result of this, more enforcement actions fell on "smaller" owners.

### 2.4.2 New Orleans, Louisiana

The City of New Orleans, Louisiana, enacted the Lead Paint Poisoning Ordinance on August 2, 2001. This ordinance is jointly administered by the Department of Health and the Department of Safety and Permits. This ordinance governs all activities that disturb or remove painted surfaces on the interior and exterior of buildings/structures that were built before December 31, 1978, and is intended to minimize the risk of lead poisoning due to painting operations.

The ordinance presumes that any building built before December 31, 1978, contains lead-based paint, which is only refutable by third-party testing. The ordinance prohibits the disturbance or removal of lead-based paint in any way that generates excessive amounts of lead-containing dust or excessive airborne lead concentrations during work, and requires containment barriers during such activities. The ordinance prohibits all paint removal practices as outlined in 24 CFR 35.140, and requires work site cleanup after paint removal.

The ordinance also stipulates the notification procedures to be used during all paint disturbing activities. Notification of any potential lead hazards present in the housing unit is required by property owners to bidding contractors and ten-

ants, as well as the City of New Orleans Department of Health**.** The contractor doing the lead hazard remediation must notify the owners and all tenants of the work being done and any potential lead hazards. A sign warning of the hazards must be displayed during any power-sanding activities. Paint retailers must post notices of the ordinance requirements.

The ordinance contains an alternative penalty provision for first-time violators, which permits the fine to be suspended if the violator undergoes lead-safe work practice training. In addition, property owners are prohibited from evicting a tenant or increasing the rent in retaliation for the tenant's notifying the City of a possible lead hazard. This is an important part of the ordinance, since the ordinance is enforced through complaints.

The New Orleans ordinance is similar to the proposed Rochester ordinances, in that they both require similar lead hazard controls to be implemented. The substantial differences between the ordinances are: under the New Orleans ordinance, houses built before December 31, 1978, are assumed to contain lead-based paint, whereas the proposed Rochester ordinances make this assumption about structures built prior to January 1, 1978; and unlike the proposed Rochester ordinances, the New Orleans ordinance includes notification procedures that must be followed during all paint disturbing activities, as well as a requirement that paint retailers post notices of the ordinance's requirements.

### 2.4.3 New York City, New York

The City of New York enacted the Childhood Lead Poisoning Prevention Act on February 4, 2004. The Department of Housing Preservation and Development and the Department of Health and Mental Hygiene are the administering agencies. The purpose of this ordinance is to eliminate lead hazards in multiple-family dwellings and pre-1960 private dwelling units that are not owner-occupied to prevent lead poisoning in children. The ordinance also includes additional code requirements for daycare facilities.

The ordinance presumes that lead-based paint is present in pre-1960 buildings, which can only be rebutted by the owner with an independent lead inspection. The owner is required to have a risk assessment done to identify any lead hazards. Annual inspections are required for units that are occupied by children under 7 years old. Owners must prevent the reasonably foreseeable occurrence of lead hazards in apartments and common areas, and using safe work practices the owners must remediate the lead hazards and the underlying defects that may cause lead hazards. The results of clearance tests performed by a third party must be provided to the tenant. All units must be made "lead safe" before a tenant may occupy the premises.

The New York City ordinance is the most recent of the ordinances, but it differs from the proposed ordinances in that it assumes that only pre-1960 buildings contain lead-based paint and deals with multiple-family dwellings and private units

that are not owner occupied. The ordinance also includes a provision for daycare centers and requires annual inspections of homes that are occupied by children under 7 years old.

### 2.4.4 Other Ordinances/Statutes

#### 2.4.4.1 San Francisco, California

The City/County of San Francisco have implemented two ordinances related to lead-based paint—the Work Practices for Exterior Lead-Based Paint (enacted January 5, 1998), and the Comprehensive Environmental Lead Poisoning Investigation, Management and Enforcement Program (enacted December 23, 1992). These ordinances govern the disturbance and removal of painted surfaces on the exterior of buildings built before December 31, 1978, and educational programs that focus on the prevention of lead poisoning in children.

#### 2.4.4.2 Massachusetts

The State of Massachusetts enacted the country's first lead poisoning prevention law, the Lead Poisoning Prevention and Control Act, which became effective in 1971. The law was revised in 1987 and 1993. This law requires owner-occupied and rental property owners to permanently control specified lead hazards in any unit where a child under the age of six resides. This law also provides a $1,500/unit state income tax credit for owners who successfully complete permanent controls. The state also made grants and loans available to permanently control lead hazards.

#### 2.4.4.3 Cleveland, Ohio

On August 11, 2004, the City of Cleveland, Ohio, enacted City Ordinance No. 1027-04 relating to lead poisoning and lead hazards. The purpose of this ordinance is to prevent lead poisoning and protect human health by prohibiting improper control of lead hazards during painting and remodeling and in deteriorated areas of all buildings within the city limits built before 1978. The City of Cleveland's Department of Public Health is the administering agency responsible for enforcing this ordinance.

# 3 Alternatives

This GEIS evaluates and compares two lead poisoning prevention ordinance alternatives that have been introduced by sponsors in the City of Rochester. The alternative ordinances seek to prevent resident poisoning from lead-based paint, but vary as to their critical components. These proposals include the following:

- Enactment of a new Chapter to the Code of the City of Rochester ("the Code"), titled "Chapter 60: Lead Poisoning Prevention Code," introduced by Councilman Mains (Introductory #20 of 2005) and

- A proposed amendment to Chapter 90 of the Code to add a new article titled "Lead-Based Paint Poisoning Prevention," Introduced by Mayor Johnson (Introductory #21 of 2005).

A third alternative ordinance was offered by the NYS Coalition of Property Owners and Businesses in their scoping comments and is also evaluated in this DGEIS.

The following alternatives analysis describes the ordinances' provisions in detail and assesses the key differences between the proposed ordinances. The no-action alternative also is evaluated.

## 3.1 Alternative 1: Proposed Chapter 60: Lead Poisoning Prevention Code (Introductory #20, January 18, 2005)

### 3.1.1 Description of Alternative 1

Alternative 1 proposes that the Code be amended to include a new chapter titled "Chapter 60: Lead Poisoning Prevention Code." The proposed chapter includes five articles focusing on lead-safe housing standards, lead-safe work practices, lead disclosure requirements upon sale or lease of residential property, occupant protections, and enforcement. The critical components of each of these articles are addressed below.

### 3.1.2 Evaluation of Alternative 1

Article 1 requires the owner of "target housing" [1] to obtain and file a "Certificate of Lead Paint Poisoning Prevention Code Compliance" (hereinafter "Compliance Certificate"). Owners would be required to file a Compliance Certificate upon: receiving notice from the City; citation for peeling or deteriorated paint; expiration of a previously issued Compliance Certificate; or upon certain property transfers.[2]

A Compliance Certificate would be issued following inspection of a dwelling by an EPA-certified inspector, risk assessor, or technician and determination that the property is free of lead-based paint hazards. The inspection standards to be employed would be based upon those established in federal regulations (24 CFR Part 35, Subpart R) for interior and exterior painted surfaces, and bare soil. If the inspector determines that lead-based paint conditions exist, the conditions must be remedied by the property owner until levels meet prescribed clearance standards.

Article 2 focuses on lead-safe work practices and applies when work involving the disturbance or removal of lead-based paint, or paint assumed to be lead-based, takes place. Article 2 provides notification requirements and requires the property owner or the contractor to provide notice of lead remediation work being performed, by posted sign or written statement, to the City's Director of the Neighborhood Empowerment Team (NET) Office, adjacent property owners, property tenants, and contract bidders prior to commencing work on the property. Notice requirements of the owner or contractor may be waived by the owner or tenant if a delay in work would pose an immediate threat to the safety or well-being of the buildings' occupants. In addition, paint retailers are required to post notices near paint displays notifying paint purchasers about lead-based paint issues.

Article 2 prescribes methods for protecting building occupants during lead-based paint hazard reduction work, including safe work practices, work site preparation, and the relocation of occupants, if necessary, during performance of the work. Once an inspector has determined that a building has a lead-based paint hazard, hazard reduction activities must be conducted in compliance with Article 2 requirements, and clearance testing and reevaluations are required at the conclusion of the hazard reduction work.

Lastly, Article 2 includes provisions addressing non-compliance with, and violations of, the safe work, notification, and other requirements set forth therein. Specifically, the Article prescribes a process for citizen complaints, City review and evaluation of complaints, and the maintenance of complaint records. In addition, Article 2 authorizes the Director of the Neighborhood Empowerment Team

---

[1] Target housing includes all residential rental housing constructed prior to 1978 and all owner-occupied residential units constructed prior to 1960, with some listed exceptions.

[2] An owner may, in some circumstances, file a certification or sworn statement in lieu of a Certificate.

(NET) Office to enter, inspect, and sample; stop work; evacuate a building, residence, or work site; and require performance of specific remediation measures upon violations of Article 2 requirements.

Article 3 addresses disclosure and other issues related to the transfer of property. The City's Department of Community Development would be required to inform the public of their rights and responsibilities upon selling or leasing property. Article 3 requires that the seller of any residential property built prior to 1978, or other property know to contain lead-based hazards, to complete an "Evaluation Upon Sale" checklist to determine whether any deteriorating paint conditions exist and whether any bare soil is proximate to the deteriorating paint. The "Evaluation Upon Sale" must be signed by the seller and provided to the purchaser. Lessors must similarly complete an "Evaluation Upon Leasing" to be provided to the lessee. The seller or lessor also must provide the purchaser or lessee with specific informational materials, disclose the presence of any known or presumed lead-based paint hazard, provide copies of all lead hazard evaluations, and disclose whether a Compliance Certificate has been obtained for the property. A special acknowledgement, as well as the federal Lead Warning Statement, also must be signed and must accompany contracts for sale or lease. Notably, Article 3 requires that sellers' agents ensure compliance with this Article during transactions, establishes an ongoing notification duty for lessors, and provides a right of enforcement to private parties not party to the transaction.

Article 4 prohibits a property owner from taking retaliatory action against a tenant who reports a suspected lead-based paint hazard to the owner or the City, and creates a rebuttable presumption that certain actions taken by the owner shall be deemed retaliatory if they take place within six months of the tenant's complaint or an enforcement action by the City. Article 4 also describes tenants' right to terminate the lease and vacate the premises where there are lead-based paint conditions threatening the life, health, or safety of the tenant. In addition, Article 4 designates a lead-hazard that has gone uncorrected for six months a "rent-impairing violation," thereby prohibiting the owner from receiving rental payments. Lastly, Article 4 creates a private right of enforcement by any person, neighbor, or organization aggrieved by violation of the Chapter, enabling them to institute a judicial enforcement proceeding.

Article 4 also requires the City of Rochester to develop and maintain two databases: (1) a database identifying all properties for which a Compliance Certificate is required and whether a Compliance Certificate has been filed, and (2) a Voluntary Housing Registry database. Both databases shall be open to public inspection[3] and available on the internet.

Article 5: Enforcement is an incomplete section, with some reference to the enforcement provisions located in Chapter 90 of the Code.

[3] No FOIA request is needed to inspect the databases.

## 3.2 Alternative 2: First Proposed Amendment to Chapter 90: Lead-Based Paint Poisoning Prevention (Introductory #21, January 18, 2005)

### 3.2.1 Description of Alternative 2

Alternative 2 proposes an amendment to Chapter 90 of the Code and seeks to add a new Article titled "Lead-based Paint Poisoning Prevention." The proposed Article includes provisions for the inspection of pre-1978 buildings for deteriorated paint (and presumes said paint to be lead-based), lead-safe work standards, tenants' rights, and notification standards.

### 3.2.2 Evaluation of Alternative 2

Alternative 2 would require the inspection and evaluation of painted surfaces for deterioration in pre-1978 structures upon application or renewal of a Certificate of Occupancy.[4] If deteriorated paint is detected, it must be remedied by one of four prescribed methods, all of which require certification by a certified lead-based paint inspector or risk assessor.[5] If a property owner submits certification that all lead-based paint hazards on that property have been reduced and controlled, a clearance examination and clearance report would be needed to determine whether a deteriorated paint condition has been effectively remediated. The report would be prepared by a certified risk assessor or certified lead-based paint inspector and, upon submission, a Certificate of Occupancy may be issued or a lead-based paint violation cleared. If the property does not pass the clearance evaluation, it must be cleaned and reevaluated until the property passes all necessary criteria.

Alternative 2 would mandate notice requirements, including the placing of warning signs in locations visible to adjacent properties prior to commencing lead-based paint hazard reduction work, or written notice to adjacent property owners in lieu thereof. In addition, the proposal requires the property owner to provide written notice to tenants, not less than three days prior to the start of hazard reduction work, that such work will be performed. The proposal also prescribes practices to protect occupants and their belongings and prohibits occupants from entering the work site during hazard reduction activities. Safe work practices, including the prohibition of certain paint-removal methods, would be required.

The proposal would also protect tenants who report suspected lead hazards against retaliatory action and create a rebuttable presumption in favor of the tenant for any action taken by the owner within six months of the tenant's complaint. The proposal also states that the City shall continue to send notices to the County of Monroe listing any health and safety violations found in properties inspected by the City, including lead-based paint hazards. Finally, Alternative 2 would provide for maintenance of a database listing all residential properties where lead

[4] An inspection may also take place upon the filing of a complaint.
[5] Different certification requirements apply to properties regulated by an assisted housing program.

hazards have been identified, reduced, and controlled with funds received by the City from HUD. A second database would list all properties granted a Certificate of Occupancy after passage of the new ordinance. The databases would be available for walk-in inspection by the public without FOIA request.

## 3.3 Alternative 3: Second Proposed Amendment to Chapter 90: Lead-Based Paint Poisoning Prevention (NYS Coalition of Property and Business Owners)

### 3.3.1 Description of Alternative 3

Alternative 3 also proposes an amendment to add a new Article to Chapter 90 of the Code.

### 3.3.2 Evaluation of Alternative 3

This proposed ordinance would require the City to provide and pay for lead-based paint hazard inspections in conjunction with an application for a Certificate of Occupancy.[6] Where an inspection results in the detection of lead-based paint hazards exceeding de minimis levels, repairs would be required. Special inspection requirements would apply to properties where children under age 6 reside. The City would be required to provide a system of grants to property owners to aid in the performance of lead-based paint hazard reduction activities. A clearance examination, to be provided and paid for by the City, would be performed in certain cases, and a clearance report would be issued to the property owner upon a finding that no lead-based paint hazards remain.

Notification requirements for work involving the disruption or removal of lead-based paint are prescribed and include visible signage to notify people in abutting rights of way. The City would provide these signs to any party performing hazard reduction work.[7] Notice to tenants would also be provided, and tenants would be able relocate without penalty under certain circumstances.[8] Tenants would be responsible for meeting certain standards of housekeeping and cleaning. Lead-safe work practices and work site preparation procedures would also be prescribed.

Under this alternative, the City would be prevented from taking any prosecutory action against any owner or occupant for violations based on evidence revealed during a voluntary inspection. Tenants are protected from retaliatory action and are permitted to raise retaliatory action as a defense in certain actions, but the protection does not extend to occupants of owner-occupied dwellings with less than four units. In addition, the proposal would permit a tenant to vacate the property and terminate the lease if an inspection reveals the existence of lead-based paint hazards and a child under the age of 6 resides in said property.

---

[6] An inspection would also be required upon complaint or request by an owner or occupant.

[7] The signs should be provided at the same time the required building permit is issued, or within 24 hours of a request therefore.

[8] If a tenant elects to relocate during hazard reduction activities and the activities would not be completed within 60 days, the tenant would have the right to terminate the lease.

The proposed article would require the City to develop and maintain a database of "lead-safe homes." The database would include properties for which a lead-based hazard clearance examination has been successfully completed, for which a Certificate of Occupancy has been granted, and for which lead hazards have been identified, reduced, and controlled with funds received by the City from HUD. The database would be available for public review at City Hall and also on the City's Web site.

This alternative would require the disclosure of known lead-based paint or lead-based paint hazards by sellers or lessors. In addition, any records or reports pertaining to lead-based paint or lead-based paint hazards in the property would have to be provided to the purchaser or lessee. The ordinance notes that no positive obligation is imposed on the seller or lessor to conduct evaluations or reduction activities.

## 3.4 No-Action Alternative

### 3.4.1 Description of the No-Action Alternative

The no-action alternative would involve not incorporating any type of lead poisoning prevention ordinance into the Code of the City of Rochester. The City would continue to address the lead poisoning issue using the existing programs and initiatives (which are addressed in Section 2).

### 3.4.2 Evaluation of the No-Action Alternative

Among the alternatives considered, the no-action alternative would be the least effective in reducing and controlling lead-based paint hazards potentially present in many homes in Rochester, and it would not further the City's efforts to prevent human exposure to such hazards. There are a number of effective programs and initiatives ongoing in the City of Rochester and Monroe County that address the lead poisoning issue; however, not adopting an ordinance would preclude a more comprehensive approach to addressing the lead hazard issue in the City. Although the no-action alternative is considered unreasonable, it is addressed in the GEIS to provide a baseline for comparison of the impacts of the alternative ordinances.

## 3.5 Key Variations and Differences in the Proposed Lead Poisoning Prevention Ordinances

The matrix presented in Table 3-1 is designed to demonstrate the differences between the three proposed ordinances with respect to certain critical provisions.

**Table 3-1 Comparison of Alternative Lead Poisoning Prevention Ordinances**

| | Alternative 1: Proposed New Chapter 60: Lead Poisoning Prevention Code | Alternative 2: Proposed Amendment to Chapter 90 (No. 1): Lead-Based Paint Poisoning Prevention | Alternative 3: Proposed Amendment to Chapter 90 (No. 2): Lead-Based Paint Poisoning Prevention |
|---|---|---|---|
| Affected Properties | "Target Housing," which includes all non-owner occupied residential rental housing constructed prior to 1978, all owner-occupied residential units constructed prior to 1960, and mixed-use properties constructed prior to 1978. [§60-104(B)] | Pre-1978 properties subject to Certificate of Occupancy requirements pursuant to Code §90-16; and properties that are subject of a complaint. [§90-54] | Properties subject to Certificate of Occupancy requirements pursuant to Code §90-16; properties subject to complaint; and properties owned/occupied by a party requesting a lead-based paint inspection. [§90-54(A), (C)] |
| Exempt Properties | Owner-occupied housing, state/federal housing for the disabled or elderly, and zero bedroom housing (studio/efficiency) are exempt unless a child 6 years of age or younger resides in, is expected to reside in, or is likely to play in or around such housing. [§60-104(B)(1)]<br><br>Dormitory housing, institutional housing, individual rooms in residential dwellings, and unoccupied residential property set to be demolished also is exempt. [§60-104(B)(2)] | Properties taken by a governmental entity in a foreclosure proceeding that are vacant and secured and either (1) scheduled for demolition or (2) scheduled for sale within 12 months. [§90-61] | Properties that are vacant and secured; however, vacant and secured properties with deteriorated exterior paint that is lead-based or presumed to be lead-based shall be corrected unless the property is (1) scheduled for demolition or (2) scheduled for sale within one year. [§90-62] |
| Triggers for Inspection or Identification of Lead Hazards | The need to obtain and file a Certificate of Lead Poisoning Prevention Code Compliance ("Compliance Certificate"), specifically:<br><br>(1) receipt of a notice to obtain a Compliance Certificate;<br>(2) upon citation of the property;<br>(3) upon certain transfers of the property; and<br>(4) upon expiration of a Compliance Certificate. [§60-105(A)]<br><br>Another trigger is the request of an occupant or another affected person. [§60-108(A)] | Application for or renewal of a Certificate of Occupancy pursuant to Code §90-16; and the filing of a complaint. [§90-54] | Application for a Certificate of Occupancy pursuant to Code §90-16; the filing of a complaint; and upon request of an owner or occupant. [§90-54(A), (C)] |

**Table 3-1 Comparison of Alternative Lead Poisoning Prevention Ordinances**

| | Alternative 1: Proposed New Chapter 60: Lead Poisoning Prevention Code | Alternative 2: Proposed Amendment to Chapter 90 (No. 1): Lead-Based Paint Poisoning Prevention | Alternative 3: Proposed Amendment to Chapter 90 (No. 2): Lead-Based Paint Poisoning Prevention |
|---|---|---|---|
| Who Performs Inspection? | Property owner retains EPA-certified Risk Assessor or Lead-Based Paint Inspector if triggered by request of occupant or other affected person, the City shall perform, or cause to be performed the inspection. [§60-108(A)] | City inspectors. [§90-54] | City inspectors or City-funded inspectors [§90-54] |
| What Must be Provided to Property Owner or Occupant Upon Inspection? | Not stated. | Not stated. | Occupants of the property shall be provided with a lead hazard information pamphlet. [§90-54(E)] |
| Who is Responsible for Payment of Inspection? | Property owners unless the City is carrying out an enforcement action [§60-104(A)] | The City. [§90-54] | The City [§90-54] |
| Scope of Inspection | The same standards used for the clearance examination; visual assessment, dust sampling, and paint samples (see below). [§60-106(B)] | Inspection for deteriorated paint. [§90-54] | If inspection is triggered by Certificate of Occupancy, there shall be a visual assessment of interior and exterior surfaces for deteriorated paint and evidence of paint chips; inspection for the presences of bare soil [§90-54(A)]<br><br>If inspection is complaint driven, only the area of the dwelling unit or common area complained of shall be inspected. [§90-54(C)] |
| What is Required if Deteriorated Lead-based or Presumed Lead-based Paint or Other Lead-based Paint Hazards are Detected During Inspection? | When a unit is found to contain lead-paint hazards, a plan for controlling the hazards using lead-safe work practices shall be prepared and controls put in place within sixty (60) days. If the unit fails a clearance examination, a new plan requiring hazard controls shall be implemented within thirty (30) days. Once the dwelling passes a clearance inspection, a Certificate with a six month duration shall be issued. Thereafter, new Certificates shall be renewed at six-month intervals until such time as the unit passes clearance without the need for new controls. At that point, the unit will be | The condition may be corrected by:<br><br>(1) certification by a certified lead-based paint inspector or certified risk assessor that the property has been determined to be lead-free upon an inspection conducted in accordance with 24 CFR §35.1320;<br>(2) certification by a certified lead-based paint inspector or risk assessor that all lead-based paint on the property has been identified and removed and clearance has been achieved in accordance with 24 CFR §§35.1320, 35.1325 and 35.1340; | If deteriorated lead-based or presumed lead-based paint is found in a dwelling occupied by a child under 6 years of age, or is for rent or for sale, the inspector may issue a Notice and Order requiring the correction of such condition. [§90-55].<br><br>Upon completion of such corrections, a second inspection shall be performed. If the unit passes the visual inspection, dust wipe screening shall be performed on certain interior surfaces in order to obtain a clearance report. [§90-54(B)] |

**Table 3-1 Comparison of Alternative Lead Poisoning Prevention Ordinances**

| | Alternative 1: Proposed New Chapter 60: Lead Poisoning Prevention Code | Alternative 2: Proposed Amendment to Chapter 90 (No. 1): Lead-Based Paint Poisoning Prevention | Alternative 3: Proposed Amendment to Chapter 90 (No. 2): Lead-Based Paint Poisoning Prevention |
|---|---|---|---|
| What is Required if Deteriorated Lead-based or Presumed Lead-based Paint or Other Lead-based Paint Hazards are Detected During Inspection? (continued) | issued first a one-year Certificate and then three-year Certificates as provided for in §60-105(C)(1). [§60-105(C)(2)]<br><br>In addition, where a lead hazard had been identified, the clearance standards in 24 CFR §35.1320(b)(2), including soil-lead hazard standards, shall be met before a "Certificate of Lead Poisoning Prevention Code Compliance" may be issued and filed. With respect to porches, the standard required for clearance shall be 400 µg/dL, provided however, that if a porch is found to contain more than 40µg/dL the inspector, assessor or technician shall advise the occupants of the unit that the porch constitute a potential lead-paint hazard that requires continued caution and that the occupants should read and follow closely the information in the EPA brochure regarding lead safe maintenance practices such as frequent washing, and that brochure shall be provided to the occupants with the relevant passages highlighted.<br>[§60-106(D)] | (3) certification by the Rochester Housing Authority or other state/federal supervising agency that regulates an assisted housing program stating that the property is in compliance with inspection and clearance requirements and, if applicable, 24 CFR Part 35; and<br>(4) certification by a certified risk assessor that all lead-based paint and hazards have been identified, reduced, and controlled, and clearance achieved in accordance with 24 CFR §§35.1320, 35.1330, and 35.1340. [§90-55] | If a lead-based paint hazard is detected upon visual inspection, the commissioner shall recommend hazard reduction activities and, upon completion, a clearance report shall be issued upon:<br><br>(1) certification by a certified lead-based paint inspector or risk assessor that the property was inspected and does not contain lead;<br>(2) certification by a certified lead-based paint inspector or risk assessor that all lead-based paint has been identified and removed and clearance was achieved in accordance with (proposed) §90-57;<br>(3) certification by the Rochester Housing Authority or other state/federal supervising agency that regulates an assisted housing program stating that the property is in compliance with inspection and clearance requirements and, if applicable, 24 CFR Part 35; and<br>(4) certification by a certified lead-based paint inspector or assessor that all lead-based paint and hazards have been identified, reduced, and controlled, and clearance achieved in accordance with (proposed) §90-57. [§90-56(A)] |
| When is a Clearance Examination Necessary? | A clearance examination is necessary when a lead hazard is identified. [§§60-105 ( C)(2), 60-106(D) and (E), 60-206(A)(6) ] | After a lead condition is corrected via certification by a certified risk assessor that all lead-based paint and hazards have been identified, reduced, and controlled, and clearance achieved in accordance with 24 CFR §§35.1320, 35.1330, and 35.1340. [§90-56] | Upon implementation of hazard reduction activities. [§90-56(A)] |

**Table 3-1 Comparison of Alternative Lead Poisoning Prevention Ordinances**

| | Alternative 1: Proposed New Chapter 60: Lead Poisoning Prevention Code | Alternative 2: Proposed Amendment to Chapter 90 (No. 1): Lead-Based Paint Poisoning Prevention | Alternative 3: Proposed Amendment to Chapter 90 (No. 2): Lead-Based Paint Poisoning Prevention |
|---|---|---|---|
| Who Performs the Clearance Examination? | A certified risk assessor, certified lead-based paint inspector, or a person who has successfully completed an EPA-accepted training course for sampling technicians. [§60-106(A) | A certified risk assessor or certified lead-based paint inspector. [§90-56(A)] | A certified risk assessor or certified lead-based paint inspector provided by the City. [§90-57(A)] |
| Who is Responsible for Payment of Clearance Examination? | Property Owners. [§60-106(D)] | Property Owner. [§90-55(D)] | The City. [§90-57(A)] |
| What is the Scope of Clearance Examination? | Examinations shall include a visual assessment and dust sampling and should be conducted to comply with 40 CFR §745.227(e)(8). Random sampling is appropriate for multi-unit properties with more than 10 dwellings according to 40 CFR §745,227(e)(9). [§60-106(B)(1)]<br><br>If exterior painted surfaces have been disturbed due to hazard reduction, the ground and outdoor living areas close to the affected exterior painted surfaces shall be examined. [§60-106(B)(3)]<br><br>Dust sampling shall be performed according to 24 CFR §35.1315. [§60-106(B)(3)] | Examination shall be performed in dwelling units, common areas, and exterior areas (including porches) in accordance with 40 CFR §745.227.<br><br>If exterior painted surfaces have been disturbed due to hazard reduction, maintenance or rehabilitation activity, the ground and outdoor living areas close to the affected exterior painted surfaces shall be examined.<br><br>The examination shall consist of visual assessment, dust sampling in accordance with 24 CFR §35.1315, and interpretation of sampling results.<br><br>For complaint-driven inspections, examination shall be of only the dwelling unit or common area complained of. [§90-56(B)] | Examination shall include wipe samples and dust sampling. [§90-57(B)(3), (4)]<br><br>If exterior painted surfaces have been disturbed, a visual assessment shall be made of the ground and outdoor living areas close to the painted surfaces. [§90-57(B)(2)]<br><br>For complaint-driven inspections, examination shall be of the dwelling unit or common area complained of only. [§90-57(B)(5)] |
| Clearance Examination Report | Shall include:<br><br>(1) address of property or specific dwelling, if applicable;<br>(2) date of the examination;<br>(3) name, address, EPA number and signature of examiner;<br>(4) results of visual assessment; and | Shall include:<br><br>(1) address of property or specific dwelling, if applicable;<br>(2) date of the examination;<br>(3) name, address, EPA number and signature of examiner;<br>(4) results of visual assessment; and | Shall include:<br><br>(1) address of property or specific dwelling, if applicable;<br>(2) date of the examination;<br>(3) name, address, EPA number and signature of examiner;<br>(4) results of visual assessment; and |

**Table 3-1 Comparison of Alternative Lead Poisoning Prevention Ordinances**

| | Alternative 1: Proposed New Chapter 60: Lead Poisoning Prevention Code | Alternative 2: Proposed Amendment to Chapter 90 (No. 1): Lead-Based Paint Poisoning Prevention | Alternative 3: Proposed Amendment to Chapter 90 (No. 2): Lead-Based Paint Poisoning Prevention |
|---|---|---|---|
| Clearance Examination Report (continued) | (5) results of dust sampling and name/address of processing laboratory. [§60-106(C)(1)-(2)]<br><br>If hazard reduction or maintenance activity has taken place, the report also must include:<br><br>(1) start and completion dates of activity;<br>(2) name and address of each firm conducing the activity and the supervisor;<br>(3) detailed description of the activity; and<br>(4) description of soil hazard reduction, if applicable. [§60-106(C)(3)]<br><br>If abatement is performed, the report shall be a 40 CFR §745.227(e)(10) abatement report. [§60-106(C)] | (5) results of dust sampling and name/address of processing laboratory.<br><br>If abatement is performed, the report shall be a 40 CFR §745.227(e)(10) abatement report. [§90-56(C)] | (5) results of dust sampling and name/address/EPA number of processing laboratory; and<br>(6) detailed written description of any abatement performed. [§90-57(B)] |
| Clearance Standards | Under Alternative 1, the clearance standards are essentially identical as those discussed under Alternative 2 and 3, but are described slightly different, as follows.<br><br>Clearance standards in 24 CFR §35.1320(b)(2) shall generally apply.<br><br>With respect to porches, the standard for clearance shall be 400 µg/sq. ft.; however, should the porch contain more than 40 µg/sq. ft., the examiner shall advise the occupants and provide them with the EPA "Protect Your Family From Lead in Your Home" brochure ("EPA pamphlet") highlighted to reflect relevant passages. [§60-106(D)] | Under Alternative 2, the clearance standards are essentially identical as those discussed under Alternative 1 and 3, but are described slightly different, as follows.<br><br>Dust-lead standards in 40 CFR §745.65(b) must be met for clearance, generally.<br><br>With respect to porches, the standard for clearance shall be 400 µg/sq. ft.; however, should the porch contain more than 40 µg/sq. ft., the examiner shall advise the occupants to read and follow the lead hazard information pamphlet. [§90-56 (D)] | Under Alternative 3, the clearance standards are essentially identical as those discussed under Alternative 1 and 2, but are described slightly different, as follows.<br><br>Dust level standards are 40 µg/sq. ft. for floors, 250 µg/sq. ft. for interior windowsills, and 400 µg/sq. ft. for window troughs.<br>Clearance levels for bare soil in play areas is 400 parts per million; for other areas, 1,200 parts per million.<br><br>For porches, the standard for clearance shall be 400 µg/sq. ft.; however, should the porch contain more than 40 µg/sq. ft., the examiner shall advise the occupants to read and follow the lead hazard information pamphlet. [§90-57(C)] |

**Table 3-1 Comparison of Alternative Lead Poisoning Prevention Ordinances**

| | Alternative 1: Proposed New Chapter 60: Lead Poisoning Prevention Code | Alternative 2: Proposed Amendment to Chapter 90 (No. 1): Lead-Based Paint Poisoning Prevention | Alternative 3: Proposed Amendment to Chapter 90 (No. 2): Lead-Based Paint Poisoning Prevention |
|---|---|---|---|
| What Occurs Upon Completion of Clearance Examination? | If clearance standards are met, a Compliance Certificate will be issued. [§§60-105, 60-106]<br><br>If clearance standards are not met, the surfaces shall be recleaned, treated by hazard reduction, and retested until clearance levels are met and a Compliance Certificate is issued. [§60-106(E)] | If clearance standards are met, a Certificate of Occupancy may be issued or lead violation cleared. [§90-56(D)] | If clearance has been achieved, a clearance report shall be issued to owner, occupant, and City. [§90-54(D)] |
| Notice to City (prior to commencement of LBP work) | The property owner or contractor working on owner's behalf must provide written notice to the City prior to commencing work disturbing or removing lead-based paint. [§60-203(A)] | Not stated. | Not stated. |
| Notice to Adjacent Property Owners and Occupants Regarding Exterior Lead-Based Paint Hazard Reduction Work | The property owner or contractor shall post signs before commencing exterior lead-based paint work. The sign must meet certain size and language requirements.<br><br>If a sign cannot be posted, notice in written form to the occupants of adjacent properties shall be sufficient. [§60-203(C)] | The property owner or contractor performing lead-based paint hazard reduction work upon an exterior surface shall post signs in a conspicuous location meeting certain size and language requirements. The sign must be posted prior to commencing work.<br><br>If a sign cannot be posted, notice in written form (i.e., letter or memo) to the occupants of adjacent properties shall be sufficient. [§90-57(D)] | Prior to commencing any lead-based hazard reduction work for which a building permit is required under Code §39-207, the owner or contractor must post a sign or signs meeting certain size and language requirements in visible locations.<br><br>If a sign cannot be posted, the owner or contractor shall notify the occupants of adjacent properties by first-class mail at least 3 days prior to commencing work. [§90-58(B)] |
| Notice to Property Tenants Regarding Interior and/or Exterior Lead-Based Paint Hazard Reduction Work | The property owner shall provide written notice to property tenants no less than 3 days prior to commencing work on the building and provide tenants with an EPA pamphlet. Such notice shall be in both English and Spanish and comply with 40 CFR §745. [§60-203(D)] | The property owner shall provide written notice to property tenants no less than 3 days prior to commencing hazard reduction work and provide tenants with a lead hazard information pamphlet. Such notice shall be in both English and Spanish and comply with 40 CFR Part 745 and include specific language. [§90-57(E)] | Property owner shall provide written notice to property tenants not less than 24 hours prior to commencing work and provide tenants with a lead hazard information pamphlet. Such notice shall meet certain language requirements. [§90-58(C)] |

**Table 3-1 Comparison of Alternative Lead Poisoning Prevention Ordinances**

| | Alternative 1: Proposed New Chapter 60: Lead Poisoning Prevention Code | Alternative 2: Proposed Amendment to Chapter 90 (No. 1): Lead-Based Paint Poisoning Prevention | Alternative 3: Proposed Amendment to Chapter 90 (No. 2): Lead-Based Paint Poisoning Prevention |
|---|---|---|---|
| Notice by Contractor | If work is being performed by a contractor, the contractor shall notify the property owner of potential lead hazards during the project by providing the owner with an EPA pamphlet. [§60-203(E)] | If hazard reduction work is being performed by a contractor on residential property, the contractor shall notify the property owner of potential lead hazards during the project by delivering to the owner a copy of the lead hazard information pamphlet at least 3 days prior to commencing work. [§90-57(F)] | If hazard reduction work is being performed by a contractor, the contractor shall provide the signs, notice, and lead hazard information required by (proposed) §90-58(B) and (C) [§90-58(D)] |
| Provision of Signs, Pamphlets, and Notices | The City shall make sample forms and signs available to the public. [§60-203(B)-(D)]<br><br>The City shall make the EPA pamphlet available to the public. [§60-303(B)] | Not stated. | The Commissioner shall provide the signs required by (proposed) §90-58(B) at the same time a building permit is issued for the reduction work or within 24 hours of a written request therefore. [§90-58(B)(3)]<br><br>The Commissioner shall provide copies of form letters, notices, and lead hazard information pamphlets within 24 hours of a written request therefore. The form notice should also be available on the City's Web site. [§§90-58(E), 90-63] |
| Notice to County | With respect to households in which renters receive assistance through the Monroe County Department of Human and Health Services, the City shall send notices to the County describing identified lead hazard conditions and other information necessary pursuant to Social Services Law §143-b. [§60-403] | The City shall (continue to) send notices to the County of Monroe listing any lead-based paint hazards identified upon inspection of properties by the City. [§90-63] | The City shall send notices to the County of Monroe listing health and safety violations found during lead-based inspections conducted by or at the direction of the City. [§90-64] |
| Notice by Paint Retailer, Tool or Equipment Supplier | Sellers and retailers of paint and anyone renting or selling tools or equipment commonly used to disturb painted surfaces are required to post a sign informing purchasers containing specific language. [§60-203(H) | Not stated. | Not stated. |

**Table 3-1 Comparison of Alternative Lead Poisoning Prevention Ordinances**

| | Alternative 1: Proposed New Chapter 60: Lead Poisoning Prevention Code | Alternative 2: Proposed Amendment to Chapter 90 (No. 1): Lead-Based Paint Poisoning Prevention | Alternative 3: Proposed Amendment to Chapter 90 (No. 2): Lead-Based Paint Poisoning Prevention |
|---|---|---|---|
| Exceptions to Notice Requirements | A property owner may commence or authorize the commencement of hazard reduction work less than 3 days after providing notices should there be an emergency or upon written request of a tenant to do so. [§90-57(G)-(H)] | A property owner may commence or authorize the commencement of hazard reduction work less than 3 days after providing notices should there be an emergency or upon written request of a tenant to do so. [§90-57(G)-(H)] | A property owner may commence or authorize the commencement of hazard reduction work without or less than 24 hours after providing signs and notices should there be an emergency condition or upon written request of a tenant to do so. [§90-58(F)-(G)] |
| Who Pays for Lead-based Hazard Reduction and/or Abatement Work? | Not stated. | Not stated. | The property owners, but subsidized by a system of grants to the property owners provided by the Community Development Department and budgeted by the City Council. The grants shall be distributed under certain guidelines. [§90-56(B)] |
| Occupant Protection During Hazard Reduction Work | Occupants shall not be permitted to enter work site during hazard reduction work and may enter only after work is finished and clearance achieved, if applicable.<br><br>Occupants shall be temporarily relocated during hazard reduction work under some circumstances. [§60-204(A)] | Occupants shall not be permitted to enter work site during hazard reduction work and may enter only when clearance has been achieved. [§90-58(A)(1)]<br><br>Occupants shall be temporarily relocated during hazard reduction work under some circumstances. [§90-58(A)(2)] | Tenants shall be permitted to relocate during hazard reduction activities under some circumstances and shall not be liable for rents accruing during the relocation period. [§90-59(A)(1)] |
| Work site Preparation and Safe Work Practices | The work site shall be prepared to prevent the release of leaded dust, paint chips, and other debris. A warning sign consistent with 29 CFR §1926.62(m) shall be posted at each room where reduction work is taking place or at each main and secondary entranceway. [§60-204(B)]<br><br>The work site shall be secured against unauthorized entry and occupant's belongings shall be protected from contamination. [§§60-204(A)(3), 60-205(B)] | The work site shall be prepared to prevent the release of leaded dust, paint chips, and other debris. A warning sign consistent with 29 CFR §1926.62(m) shall be posted at each room where reduction work is taking place or at each main and secondary entranceway. [§90-58(B)]<br><br>The work site shall be secured against unauthorized entry and occupant's belongings shall be protected from contamination. [§90-57(A)(3)] | Practices that contain and prevent/minimize the release of lead dust and other debris shall be used. [§90-59(B)]<br><br>The work site shall be secured against unauthorized entry and occupant's belongings shall be protected from contamination. [§90-59(A)(2)] |

**Table 3-1 Comparison of Alternative Lead Poisoning Prevention Ordinances**

| | Alternative 1: Proposed New Chapter 60: Lead Poisoning Prevention Code | Alternative 2: Proposed Amendment to Chapter 90 (No. 1): Lead-Based Paint Poisoning Prevention | Alternative 3: Proposed Amendment to Chapter 90 (No. 2): Lead-Based Paint Poisoning Prevention |
|---|---|---|---|
| Work site Preparation and Safe Work Practices (continued) | Any party may report violations of safe work practices by filing a complaint with the City. Upon evaluating the complaint, the City may enforce safe work practices and/or impose penalties. [§§60-207, 60-208, 60-209] | | |
| Prohibited Methods of Lead-Based Paint Removal | All methods of paint removal listed in 24 CFR §35.140 are prohibited except where painted surfaces do not exceed de minimis levels. [§60-205(A)] | The removal methods listed in 24 CFR §35.140 shall not be used except where painted surfaces do not exceed de minimis levels. [§90-59(B), (E)] | Certain removal methods (very similar to those referenced in Proposed Amendment to Chapter 90 No. 1) shall not be used except where painted surfaces do not exceed de minimis levels. [§90-60(B), (D)] |
| Ongoing Maintenance Requirements | If a property is determined to have lead-based paint hazards, the owner is required to perform annual visual inspections and to stabilize and control the hazards. The property would be reevaluated to determine the status of hazards. [§60-206] | Not stated. | Not stated. |
| Protection Against Prosecution | Not stated. | Not stated. | Owner shall not be prosecuted for any evidence revealed during a voluntary lead inspection. [§90-63(A)]<br><br>Occupants shall not be prosecuted for any evidence revealed during a voluntary lead inspection. [§90-63(A)] |
| Protection Against Retaliatory Action | Prohibits owner from taking retaliatory action against a tenant who reports a lead-based paint hazard to the owner or the City; creates a rebuttable presumption that an owner's attempt to raise rent, cut services, refuse to renew, or evict within 6 months after any report to the owner or the City, or any enforcement action regarding a suspected lead hazard, is retaliatory except in instances of nonpayment of rent and commission of waste upon the premises. [§60-402(A)-(B)] | Prohibits owner from taking retaliatory action against a tenant who reports a lead-based paint hazard to the City; creates a rebuttable presumption that an owner's attempt to raise rent, cut services, refuse to renew, or evict within 6 months after any report to the owner or the City, or any enforcement action regarding a suspected lead hazard, is retaliatory except in instances of nonpayment of rent and commission of waste upon the premises. [§90-62] | Prohibits owner from taking retaliatory action against an occupant but does not apply to owner-occupied dwellings with less than four units. [§90-63(G)]<br><br>Creates a rebuttable presumption that the owner/landlord is acting in retaliation if the owner/landlord serves a notice to quit, instituted an action or proceeding to recover possession, or attempts to substantially alter the terms of the lease within 6 months after a tenant makes a good |

**Table 3-1 Comparison of Alternative Lead Poisoning Prevention Ordinances**

| | Alternative 1: Proposed New Chapter 60: Lead Poisoning Prevention Code | Alternative 2: Proposed Amendment to Chapter 90 (No. 1): Lead-Based Paint Poisoning Prevention | Alternative 3: Proposed Amendment to Chapter 90 (No. 2): Lead-Based Paint Poisoning Prevention |
|---|---|---|---|
| Protection Against Retaliatory Action (continued) | | | faith complaint or an inspection made with the consent of the tenant revealed lead-based paint hazards. [§90-63(C)(2)]<br><br>Operates as an affirmative defense in occupant's action to recover real property or possession thereof, but is not available for actions based upon nonpayment of rent and lease violations. [§90-63(D), (G)(4)] |
| Tenants/Occupants Rights to Terminate Lease | Any resident of a rental dwelling unit who has been notified that said dwelling unit contains a lead-based paint condition determined to be detrimental to life, health, or safety shall have the right to vacate and terminate the lease. [§60-407]<br><br>If lead hazards in a dwelling unit are not controlled within 60 days after disclosure (see below), the tenant may vacate without violating the lease agreement. [§60-306(B)] | Not stated. | If tenant elects to relocate during hazard reduction activities and the activities would not be completed within 60 days, the tenant shall have the right to terminate the lease. [§90-59(A)(3)]<br><br>If a lead inspection reveals the existence of lead-based paint hazards in a dwelling unit where a child under the age of 6 resides, the tenant has the right to vacate the unit and terminate the lease. [§90-63(B)] |
| Additional Protections, Rights, and Causes of Action | Lead hazardous conditions in multiple dwellings that have gone uncorrected for 6 months constitute "rent impairing violations." Notice of the violations would be sent to both the owner and tenants, and the owner would not be entitled to recover rent from the tenants until the violation is cleared.<br><br>In addition to providing tenants with the above notice, the City shall notify the tenants of additional rights under Real Property Law §235-b and Real Property Actions and Proceedings Law §755. [§§60-404, 60-405] | Not stated. | Not stated. |

**Table 3-1 Comparison of Alternative Lead Poisoning Prevention Ordinances**

| | Alternative 1: Proposed New Chapter 60: Lead Poisoning Prevention Code | Alternative 2: Proposed Amendment to Chapter 90 (No. 1): Lead-Based Paint Poisoning Prevention | Alternative 3: Proposed Amendment to Chapter 90 (No. 2): Lead-Based Paint Poisoning Prevention |
|---|---|---|---|
| Community Awareness | The City shall establish and maintain a database identifying all properties for which a Compliance Certificate is required to be filed and indicating whether a Compliance Certificate was filed and the date it was filed. [§60-409(A)]<br><br>The city shall maintain a Voluntary Housing Registry to which shall be added, at the owner's request, the address and contact information for any property for which the owner demonstrates that a certified lead assessor, inspector, or technician affirms the absence of lead hazards. [§60-409(B)] Both databases shall be open to the public for inspection and available on the internet without FOIA request. [§60-409(D)] | The City shall maintain a publicly accessible database listing all residential properties where lead hazards have been identified, reduced, and controlled with funds received by the City from the United States Department of Housing and Urban Development , which require that such a database be maintained. The City also shall maintain a database of all residential properties granted a Certificate of Occupancy after the effective date of this ordinance. [§90-64(A)]<br><br>Both databases shall be open to public inspection and no FOIA request shall be needed to inspect. [§90-64(B)] | The City shall maintain a "lead-safe homes" database listing properties that have achieved clearance, received a Certificate of Occupancy after the effective date of the (proposed) Article, and properties where lead hazards have been identified, reduced, and controlled with funds received by the City from the United States Department of Housing and Urban Development, which requires that such a database be maintained. [§90-62(A)]<br><br>The database shall be available for public inspection and on the City's Web site, and no FOIA request shall be needed to inspect. [§90-62(B)] |
| Disclosure and Other Requirements Upon Property Transfer | The City shall prepare a lead hazard "Evaluation Upon Sale" and "Evaluation Upon Leasing" checklist to be made available to all sellers, lessors, and other transferors. [§60-303(A)]<br><br>Sellers and lessors shall inspect property prior to transfer using the evaluation checklists. The checklists should be provided to the purchasers/tenants. [§60-304(A)]<br><br>Sellers and lessors must provide purchasers and tenants with the EPA pamphlet and an insert summarizing (proposed) Chapter 60. Sellers/lessors must disclose known lead hazards and whether a Compliance | Not stated. | The seller or lessor shall disclose to the purchaser or tenant the presence of any known lead-based paint or hazards in or around the transferable property. The seller or lessor shall provide the purchaser or tenant with records or reports regarding lead-based paint in or at the property, a lead hazard information pamphlet, and a notice containing specific language. [§90-64(A)]<br><br>The seller/lessor shall permit the purchaser a 10-day period to conduct a lead-based paint assessment prior to purchase. [§90-64(B)] |

**Table 3-1 Comparison of Alternative Lead Poisoning Prevention Ordinances**

| | Alternative 1: Proposed New Chapter 60: Lead Poisoning Prevention Code | Alternative 2: Proposed Amendment to Chapter 90 (No. 1): Lead-Based Paint Poisoning Prevention | Alternative 3: Proposed Amendment to Chapter 90 (No. 2): Lead-Based Paint Poisoning Prevention |
|---|---|---|---|
| Disclosure and Other Requirements Upon Property Transfer (continued) | Certificate is needed or has been obtained for the property. The sellers/lessors also must provide the purchasers/tenants with records or reports regarding lead-based paint hazards and the property. [§60-304(B)(1)-(4)]<br><br>Sellers/lessors must allow purchasers/tenants 10 days to conduct a lead-based paint inspection prior to purchase. [§60-304(B)(5)]<br><br>All contracts for the transfer of property constructed prior to 1978 and other properties containing lead-based paint must be accompanied by the Federal Lead Warning Statement and an Acknowledgement. [§60-304(C)]<br><br>Sellers/lessors must disclose any known lead-based paint hazards to any agent working on their behalf. The agent must inform the sellers/lessors of their obligations regarding (proposed) Chapter 60. [§60-304(E)-(F)] | | |

## 3.6 Summary of Alternatives

As demonstrated by the above summaries and the matrix presented in Table 3-1, the three alternatives are similarly drafted but differ with respect to their requirements and specific directives. With only a few exceptions, the same types of properties would be subject to lead-based paint inspections under each alternative. In addition, the inspection standards and work site and safety practices are substantially similar in each alternative, presumably because they are based upon the same federal standards. However, the proposed amendment under Alternative 3 imposes more stringent inspection requirements for properties where young children reside. Community awareness provisions in the proposals also are substantially similar.

A notable difference between the alternatives is the procedure by which the City would implement the lead-based paint inspection programs. Under the proposed amendments to Chapter 90 (Alternatives 2 and 3), a Certificate of Occupancy application would be the primary method by which lead-paint inspections would be initiated. Under the proposed new Chapter 60 (Alternative 1), however, imposes the requirement to file a Certificate of Lead Poisoning Prevention Code Compliance, separate and distinct from a Certificate of Occupancy, would be the primary method by which lead-paint inspections would be initiated.

A second notable difference between the alternatives is the City's funding and other direct participation in the lead-paint inspections. The proposed amendment to Chapter 90 under Alternative 3 would specifically require the City to provide and pay for EPA-certified inspectors to perform lead-based paint inspections, clearance inspections, and to create a grant program to assist property owners with hazard reduction work. Alternative 3 also requires the City to recommend the appropriate lead hazard reduction measures required for properties. The City also would be responsible for providing signs and forms to property owners and contractors upon request, whereas the other proposals have no such requirements, or only require the City to retain a sample sign or form for review.

The alternatives also differ with regard to their notice requirements. Alternative 1 (the proposed new Chapter 60) requires the property owner to give notice to the City upon commencement of work that would involve potentially disturbing or removing lead-based paint, but the other proposals do not. In addition, the proposed new Chapter 60 would require paint and tool retailers to post a notice, whereas there is no similar requirement under the other alternatives.

The alternatives also vary with respect to the extent of protection and rights they afford to owners and tenants. The proposed amendment to Chapter 90 under Alternative 3 would prevent the City from taking any prosecutory action against any owner or occupant for violations based on evidence revealed during a voluntary lead inspection. Generally, however, Alternative 1 (the proposed new Chapter 60) provides the most protection by providing the most liberal lease termination

options, permitting private causes of action, and designating the failure to correct lead hazards within a specific period of time a rent-impairing violation.

Lastly, the proposals differ with respect to the requirements imposed upon the transfer of properties. The proposed amendment to Chapter 90 under Alternative 2 does not impose any disclosure or related requirements upon transfer. Alternative 3 includes disclosure requirements on sale or lease. Alternative 1 (the proposed new Chapter 60) would provide the most comprehensive disclosure and transfer requirements, and also imposes requirements upon agents working on behalf of sellers. These provisions mirror existing federal requirements.

A comprehensive evaluation of impacts associated with each of these three alternatives on resources in the City of Rochester is provided in Section 5 of this GEIS.

# 4 Existing Environment

Section 4 provides a description of environmental, social, and economic resources that maybe affected by the implementation of the proposed action.

## 4.1 Methodology

Numerous studies and analyses of the lead poisoning issue in the City of Rochester and Monroe County have been completed in recent years. (Section 8, References, lists the reports and journals articles that were used in the development of this GEIS.) These studies provided the background information for this analysis and, in part, the description of the existing environment. Demographic and housing information obtained from these studies has been updated with current data where available.

Information used to develop this GEIS was gathered from various sources, including the City of Rochester Bureau of Housing and Project Development, the Rochester Housing Authority, and the Monroe County Department of Public Health, along with several other reports generated by nongovernmental organizations and information provided by key community stakeholder groups. This information is presented in the following section and provides the basis for the impact analysis presented in Section 5.

This analysis is based on and evaluated against some of the key risk factors that are known to be associated with lead-based paint hazards and lead poisoning, especially in children who are believed to be most susceptible to lead poisoning (see Section 4.7). The housing and demographic characteristics statistically associated with elevated blood lead levels include age of housing, tenure (owner/renter), age of individual, race, income, educational attainment, and housing value (CGR 2002).

## 4.2 Land Use

Land in the City of Rochester is densely developed with a wide range of urban land uses (see Table 4-1). Commercial, community service, and public service properties account for 20.7%, 10.4%, and 8.6% of land use, respectively. The predominant land use in the city, however, is residential, accounting for 6,742 acres, or 35.8% of the total land area.

**Table 4-1 Land Use**

| Land Use | Acres | Percent |
|---|---|---|
| Residential | 6,742 | 35.8% |
| Commercial | 3,892 | 20.7% |
| Community Service | 1,952 | 10.4% |
| Public Service | 1,609 | 8.6% |
| Manufacturing/Industrial | 1,550 | 8.2% |
| Vacant | 1,295 | 6.9% |
| Recreational and Entertainment | 894 | 4.8% |
| Park, Public Land, and Other | 880 | 4.7% |
| **Total** | **18,815** | **100.0%** |

Source: City of Rochester 2005a.

Residential development is widely distributed throughout the city, spreading outward from the city's central business district to its municipal boundaries. The distribution of residential and other land uses in Rochester is depicted by Figure 4-1.

## 4.3 Community Facilities and Resources

The City of Rochester has significant community facilities and resources to offer its residents and visitors. Rochester is a culturally diverse area, with numerous unique neighborhoods catering to different lifestyles, interests, and demographics. The city is situated on the shore of Lake Ontario, and the Genesee River flows through the city center. The city has 42 recreation centers, 880 acres of parks, and 11 public libraries (City of Rochester 2004).

### Public Safety

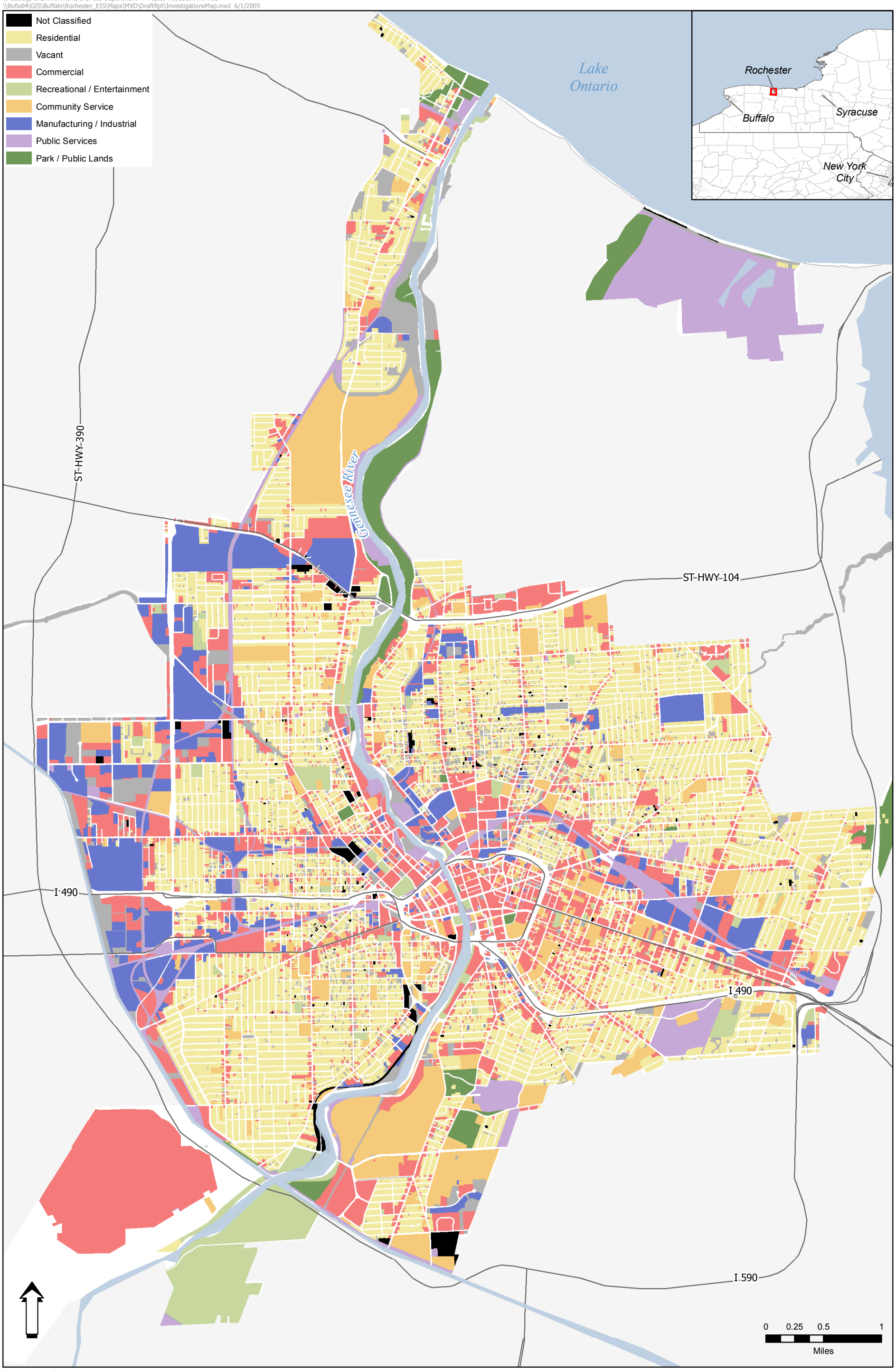
Rochester is divided into two police sectors, with just over 700 police officers. Sixteen fire stations are located throughout the city, employing approximately 520 firefighters (City of Rochester 2004).

### Schools

The Rochester City School District serves approximately 34,000 students in pre-K through grade 12 and an additional 15,000 adult students in continuing education programs. The district operates 39 elementary schools, 16 secondary schools (middle and high school), one adult/family learning center, and several alternative education programs (http://www.rcsdk12.org/). This does not include private schools located in the city.

## 4.4 Certified Lead Abatement and Evaluation Firms

There are approximately 14 certified lead-based paint evaluation firms in the Rochester area. These firms are EPA-certified and are trained to perform lead evaluations to identify and eliminate lead hazards in old structures, such as residential homes. A more detailed discussion of lead abatement requirements, training, and lead-safe work practices is presented in Section 2.




(Source: City of Rochester, 2005; ESRI, 2005)

Figure 4-1
Land Use within the City of Rochester

## 4.5 Socioeconomic

### 4.5.1 Population

The Rochester MSA, as in many other Upstate New York metropolitan areas, is experiencing both population loss and urban sprawl. These trends have been occurring over the past several decades. In the period between the 1990 and 2000 census, there was population growth in the Rochester metropolitan statistical area (MSA); however, the population in the city itself declined (an approximately 5% decline from 1990 to 2000). Table 4-2 presents the population characteristics and trends in the city.

**Table 4-2 Population and Demographics**

| | 1990 | % | 2000 | % |
|---|---|---|---|---|
| Total Population | 231,636 | 100 | 219,773 | 100 |
| White | 141,952 | 61 | 105,391 | 48 |
| Black or African American | 73,102 | 32 | 82,980 | 38 |
| Am. Indian/Alaska Native | 1,003 | - | 1,269 | 1 |
| Asian | 3,752 | 2 | 4,693 | 2 |
| Native Hawaiian or Pacific Islander | NA | - | 97 | - |
| Other | 11,797 | 5 | 25,336 | 12 |
| Total Population | 231,636 | 100 | 219,773 | 100 |
| Hispanic Origin | 18,936 | 8 | 27,869 | 13 |
| Non-Hispanic Origin | 212,700 | 92 | 191,897 | 87 |
| Total Population | 231,636 | 100 | 219,773 | 100 |
| Aged < 6 years old | 25,588 | 11 | 20,438 | 9 |
| Aged 6 years old or above | 206,048 | 89 | 199,335 | 91 |

Source: U.S. Census Bureau 2005.

Note: The number of Native Hawaiian or Pacific Islanders in 1990 is combined with and accounted for under the "Asian" category.

There was a significant drop in the percent of white residents in the city from 1990 to 2000. This suggests that a significant portion of the 5% population loss from 1990 to 2000 was the white population moving either to the surrounding suburbs or out of the area. The percentage of Black or African American residents experienced a moderate increase of about 6% from 1990 to 2000. The residents of the city represent 21% of the population of the entire Rochester MSA; however, it accounts for 71% of the total minority population residing in the MSA. Conversely, the population of whites residing in the city comprises 12% of the entire white population residing in the MSA (City of Rochester 2005b).

There also were slight shifts in the proportion of Hispanic and non-Hispanic populations and children under the age of 6. The percent of the total population that is Hispanic in the City of Rochester increased from 1990 to 2000 by 5%. In addition, the percent of children under the age of 6 decreased slightly, by 2% (or about 5,000 children).

### 4.5.2 Economy, Employment, Poverty

#### Economy

Rochester's economy has been manufacturing-based since the early twentieth century. The foundation of the economy included the manufacture and distribution of photographic, optical, and precision equipment by the Eastman Kodak Company, Xerox Corporation, and Bausch and Lomb. The presence of these and other firms have earned Rochester the title of "The World's Image Center." (City of Rochester 2005b).

#### Employment

The major sectors of employment, in the city are listed in Table 4-3.

**Table 4-3 Resident Employment for the City of Rochester**

| Industry | Employment |
|---|---|
| Education/Health/Social Services | 25,618 |
| Manufacturing | 16,751 |
| Retail Trade | 9,719 |
| Professional/Management/Scientific | 8,505 |
| Arts/Entertainment/Accommodation/Food | 7,866 |
| Construction | 5,830 |
| Finance/Insurance/Real Estate | 3,743 |
| Transportation/Warehousing/Utilities | 3,411 |
| Information | 3,265 |
| Public Administration (Government) | 2,547 |
| Wholesale Trade | 2,495 |

Source: City of Rochester 2005b.

Shifting economic trends resulting from the globalized marketplace and access to inexpensive foreign labor has directly impacted the manufacturing sector within the city. Over the past several decades, all of the major employers in Rochester (Kodak, Xerox, and Bausch and Lomb) have significantly reduced their labor force. Employment throughout the manufacturing sector is declining in Rochester and throughout the Rochester MSA.

This job loss, specifically in the manufacturing sector, has resulted in an increasing unemployment rate in recent years. Job losses in the industrial sector of the city have resulted in an unemployment rate that typically exceeds that of Monroe County and New York State. Table 4-4 presents annual unemployment statistics from 2001 to 2004 for Rochester, Monroe County, and New York State.

**Table 4-4 Unemployment Statistics**

| | City of Rochester | Monroe County | New York State |
|---|---|---|---|
| 2001 | 7.5 | 5.2 | 4.9 |
| 2002 | 9.8 | 5.6 | 6.2 |
| 2003 | 9.9 | 5.6 | 6.4 |
| 2004 | 7.4 | 5.4 | 5.8 |

Source: City of Rochester 2004.

### Poverty

According to the 2000 Census, 54,713 individuals (25%) were living below the poverty level in the City of Rochester (U.S. Census Bureau 2005). Disparities exist between the rate of poverty experienced by different racial groups throughout Rochester. In 2000, Blacks or African Americans comprised nearly 40% of the City's entire population, while the rate of poverty for individuals within this group was 34%. In 2000, white residents comprised nearly 50% of the City's population, but only 16% of the white population lived below the poverty level. Table 4-5 highlights some of the minority populations and their respective poverty level status.

**Table 4-5 Individuals Living Below the Poverty Level (by race)**

| Population Demographic | Percent Below Poverty |
|---|---|
| **Race** | |
| White | 16% |
| Black and African American | 34% |
| Native Hawaiian and Other Pacific Islander | 57% |
| American Indian and Alaska Native | 32% |
| Asian | 21% |
| Other | 39% |
| **Ethnicity** | |
| Hispanic or Latino | 42% |

Source: U.S. Census Bureau 2005.

## 4.5.3 Tax Revenues

In 2003 and 2004, revenues received by the City of Rochester exceeded the City's expenses, which increased the overall net assets of the City for two consecutive years. Approximately 25% of the annual revenues in 2003 and 2004 came directly from property taxes in the City, meaning taxes on property paid by home and business owners is a large and very substantial revenue source for the City. The only source of revenue greater than that of property taxes is from "sales and other taxes." The single largest expenditure allocation by the City is to the school district, which comprises approximately 25% of the total expenditures. Table 4-6 presents details on the City of Rochester's revenues and expenditures for 2003 and 2004.

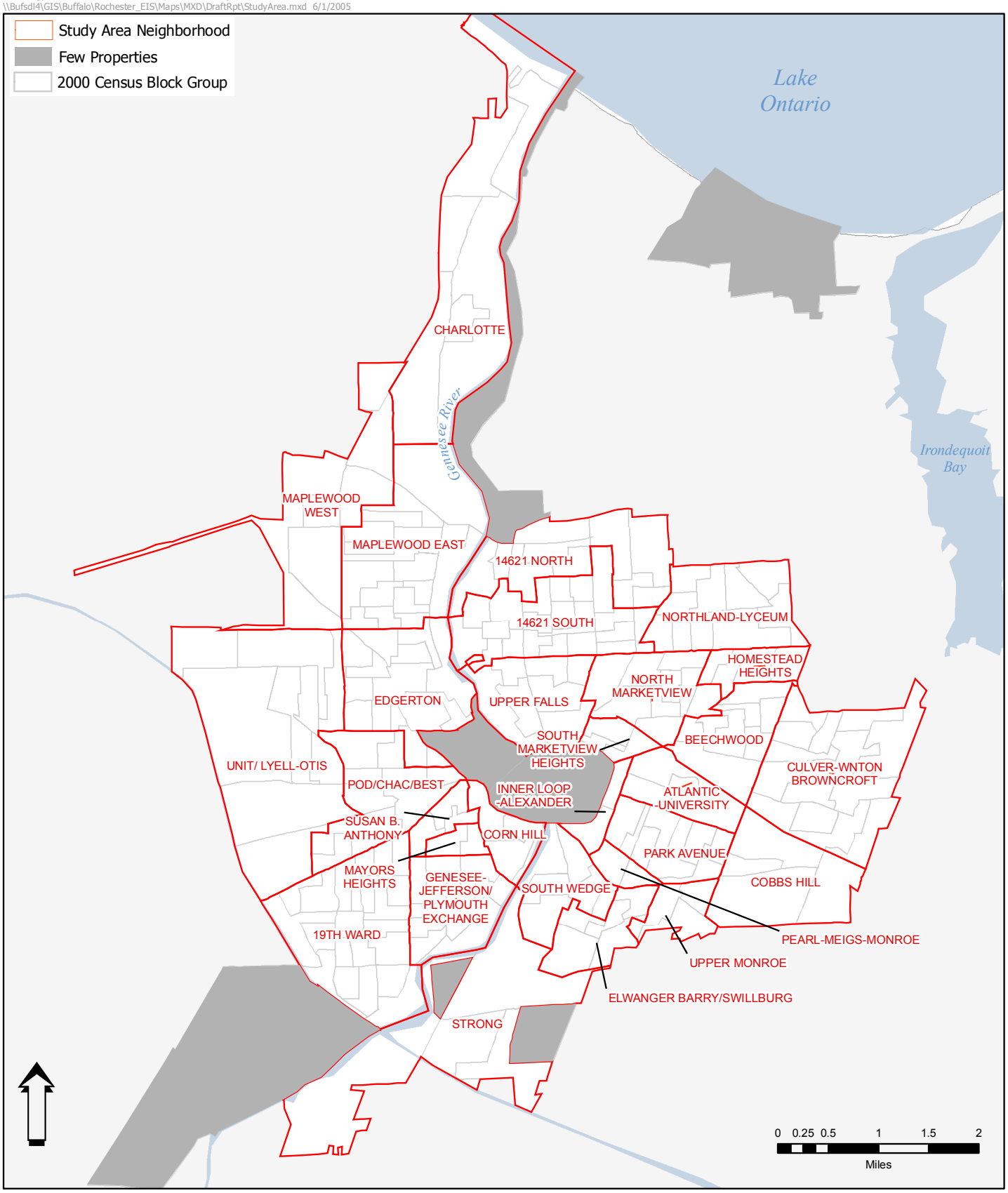
**Table 4-6 City of Rochester Revenues and Expenditures (in thousands of dollars)**

| | 2004 | Percent | 2003 | Percent |
|---|---|---|---|---|
| **Program Revenues** | | | | |
| Charges for services | 110,698 | 21 | 107,392 | 21 |
| Operating grants and contributions | 35,116 | 7 | 44,557 | 9 |
| Capital grants and contributions | 24,035 | 5 | 16,221 | 3 |
| **General Revenues** | | | | |
| Property taxes | 132,497 | 26 | 127,305 | 25 |
| Sales and other taxes | 147,308 | 29 | 144,003 | 28 |
| Government aid | 62,128 | 12 | 61,816 | 12 |
| Other | 5,251 | 1 | 5,998 | 1 |
| **Total Revenues** | **517,033** | **100** | **507,292** | **100** |
| **Expenses** | | | | |
| General Government | 60,241 | 12 | 43,950 | 9 |
| Police | 84,091 | 17 | 76,955 | 16 |
| Fire | 51,688 | 10 | 49,210 | 10 |
| Emergency Communications | 10,523 | 2 | 9,834 | 2 |
| Transportation | 24,937 | 5 | 26,265 | 5 |
| Environmental Services | 20,376 | 4 | 19,692 | 4 |
| Parks and Recreation | 18,516 | 4 | 18,958 | 4 |
| Library | 11,148 | 2 | 11,356 | 2 |
| Comm. and Econ. Development | 30,039 | 6 | 43,275 | 9 |
| Interest on long-term debt | 3,921 | 1 | 4,162 | 1 |
| Allocation to school district | 126,100 | 25 | 126,100 | 26 |
| Water | 24,950 | 5 | 23,583 | 5 |
| War memorial | 3,455 | 1 | 3,426 | 1 |
| Parking | 6,450 | 1 | 6,821 | 1 |
| Cemetery | 2,285 | 1 | 2,060 | - |
| Public market | 618 | - | 672 | - |
| Refuse | 23,424 | 5 | 20,322 | 4 |
| Port | 0 | - | 8 | - |
| **Total Expenses** | **502,762** | **100** | **486,649** | **100** |
| Excess of revenues over expenses | 14,271 | - | 20,643 | - |
| Transfers | 0 | - | 0 | - |
| Increase in net assets | 14,271 | - | 20,643 | - |
| Net assets – beginning | 720,396 | - | 699,753 | - |
| Net assets – ending | 734,667 | - | 720,396 | - |

Source: City of Rochester 2004.

### 4.5.4 Neighborhood Designations

For purposes of this analysis, it was necessary to identify study area neighborhoods. For this study, the city will be described using its 29 neighborhood designations, which are presented geographically on Figure 4-2 and listed in Table 4-7. The boundaries of these 29 neighborhoods follow 2000 census block group




(Source: ESRI, 2004; CGR 2002)

Figure 4-2
Study Area Neighborhoods

boundaries; therefore, specific census characteristics for each of the neighborhoods can be obtained and a comparative analysis conducted. It should be noted that the neighborhoods used in this GEIS are based upon the neighborhoods profiled in CGR 2002. There are minor differences from the CGR report, most likely due to the method of aggregating 1990 and 2000 census boundaries in the CGR report as opposed to using strictly 2000 boundaries, which is done in this analysis.

**Table 4-7 Study Area Neighborhoods**

| | |
|---|---|
| 14621 North | Maplewood East |
| 14621 South | Maplewood West |
| The 19th Ward | Mayors Heights |
| Atlantic-University | North Marketview Heights |
| Beechwood | Northland-Lyceum |
| Charlotte | Park Avenue |
| Cobbs Hill | Pearl-Meigs-Monroe |
| Corn Hill | POD/CHAC/BEST |
| Culver-Winton-Browncroft | South Marketview Heights |
| Edgerton | South Wedge |
| Ellwanger-Barry/Swillburg | Strong |
| Genesee-Jefferson and Plymouth-Exchange | Susan B. Anthony UNIT and Lyell-Otis |
| Homestead Heights | Upper Falls |
| Inner Loop-Alexander | Upper Monroe |

Source: CGR 2002; U.S. Census 2005.

For a further description of all 29 study area neighborhoods in the city, refer to Appendix B.

## 4.6 Housing

This section provides a comprehensive description of the housing market in the city of Rochester, including information on the age and general condition of the housing stock.

The housing stock in the City of Rochester can be described as primarily a mix of single- and two-family homes with a more limited number of larger, multi-unit complexes.

### 4.6.1 General Housing Data

Table 4-8 presents key housing characteristics for the City of Rochester (U.S. Census 2005). While this data does not summarize the city's housing stock in its entirety, it provides the framework from which housing data can be examined in more detail with respect to those units and populations potentially most affected by the proposed ordinance alternatives. As the table illustrates, the overall population of the city is decreasing, as is the overall number of housing units in the city. Also of note from these statistics is that the overall housing occupancy rate

is decreasing (-3.6%), while experiencing a very modest 1.5% increase in the number of renter households between 1990 and 2000.

**Table 4-8 Housing Stock Data for the City of Rochester**

| | 1990 | Percent | 2000 | Percent | Percent Change |
|---|---|---|---|---|---|
| Population | 231,636 | NA | 219,773 | NA | (5) |
| Number of Housing Units | 101,154 | NA | 99,820 | NA | (1) |
| Owner occupied | 41,188 | 44 | 35,777 | 40 | (13) |
| Renter occupied | 52,419 | 56 | 53,226 | 60 | 2 |
| Total occupancy | 93,607 | NA | 89,003 | NA | (5) |
| Vacant Units | 7,547 | NA | 10,817 | NA | 43 |
| Occupancy Rate | 92.5 | NA | 89.2 | NA | (4) |
| Vacancy Rate | 7.5 | NA | 10.8 | NA | 44 |
| Year Structure Built | | | | | |
| Since 1980 | 3,051 | 3 | 4,458 | 4 | 46 |
| 1970 to 1979 | 8,560 | 8 | 7,892 | 8 | (8) |
| 1960 to 1969 | 7,583 | 7 | 8,349 | 8 | 10 |
| 1950 to 1959 | 10,245 | 10 | 11,813 | 12 | 15 |
| Pre-1950 | 71,715 | 71 | 67,308 | 67 | (6) |

Source: U.S. Census 2005.

Key: NA = Not available.

Note: On the table, the numbers for structures built from 1950 to 1959 and 1960 to 1969 increase slightly between the 1990 and 2000 Census. This is probably due to slight changes in what the U.S. Census Bureau considered the City of Rochester boundaries to be between the two decades.

Table 4-8 also indicates that the housing stock in the city is relatively old, with 67% having been built prior to 1950. With respect to this GEIS, it is important to note those structures built prior to 1978, the first year in which the use of lead-based paint in homes was no longer permitted. Due to a lack of more detailed annual data, the pre-1980 figure will be used to estimate the number of homes potentially containing lead. The number of pre-1980 housing units is 95,362 or approximately 96% of all units.

### 4.6.2 Property Values

According to the City of Rochester's *Consolidated Community Development Plan*, Rochester's housing market has softened in recent years. Multiple factors are responsible for this condition. In part, the population of the city has decreased due to a shrinking employment market. In addition, an increase in the construction of residential units in suburban areas outside the city limits has drawn residents out of the city, as home buyers are often drawn to neighborhoods that offer what is perceived as potentially better schools and public safety. This development is in line with national trends (City of Rochester 2005b).

Property values in Rochester have been generally declining over the past decade. Statistics show that the overall assessed value of taxable property in the city has

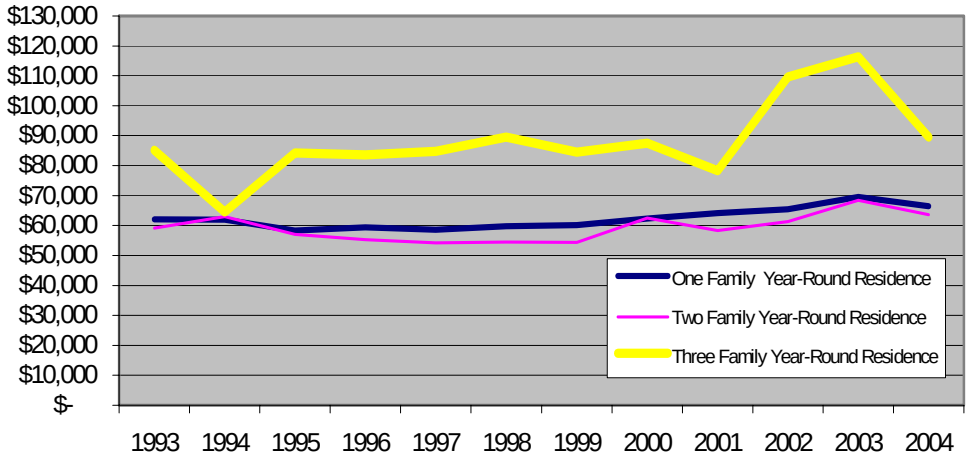
decreased by over $850 million since 1995. As can be seen in Table 4-9, there has been a decline in property values every year since 1995.

**Table 4-9 Assessed Value of Taxable Property (in thousands of dollars)**

| Year | Assessed Value | Percent Change |
|---|---|---|
| 1995 | $5,590,260 | |
| 1996 | $5,500,840 | (2) |
| 1997 | $5,202,935 | (5) |
| 1998 | $5,120,347 | (2) |
| 1999 | $5,072,605 | (<1) |
| 2000 | $5,044,246 | (<1) |
| 2001 | $4,802,407 | (5) |
| 2002 | $4,789,488 | (<1) |
| 2003 | $4,779,118 | (<1) |
| 2004 | $4,735,334 | (<1) |

Source: City of Rochester 2004.

The assessed value is not always an accurate representation of the actual market value, since this information is often outdated. Historic data for home sales in the City of Rochester for the years 1993 to 2004 was obtained from the New York State Office of Real Property Services (see Figure 4-3).

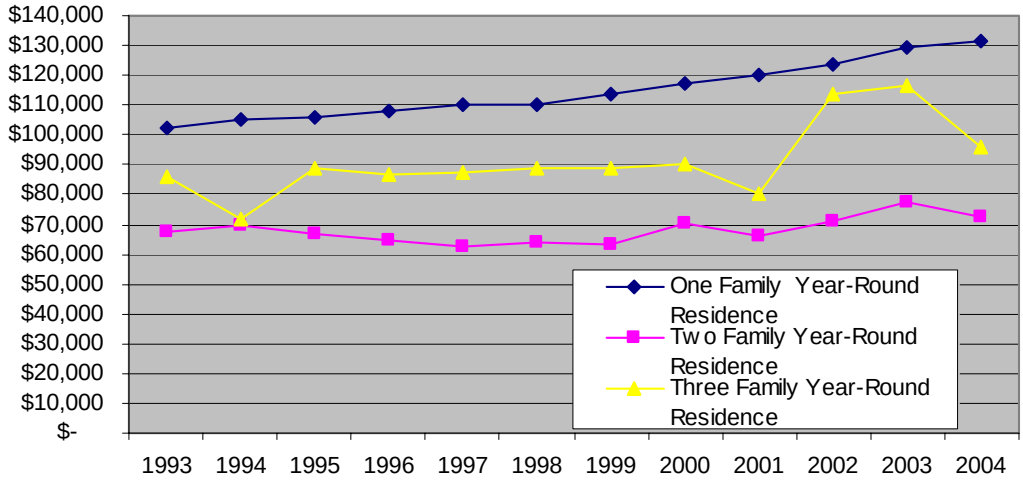



Source: NYS Office of Real Property Services 2005

**Figure 4-3 Average Sales Prices for One-, Two-, and Three-family Year-round Residences in the City of Rochester**

Home sale prices for one- and two-unit properties have not changed significantly since 1993. In other areas of the state and country, there has been a substantial increase in the value of the housing market, but Rochester did not experience this growth in value. From 2000 to 2004 the average sale price for a single-family home in the city increased by 6.5%, while in Monroe County as a whole the in-

crease was 12% (see Figure 4-4 for Monroe County data). This indicates that the housing market in the City of Rochester is stagnant compared with the surrounding areas and national trends.




Source: NYS Office of Real Property Services

**Figure 4-4 Average Sales Prices for One-, Two-, and Three-family Year-round Residences in Monroe County**

As with many U.S. cities, Rochester is experiencing a level of urban sprawl, where many middle and upper income families are moving out of the cities to the first- and second-tier suburbs. This leaves behind those less affluent families that are unable to afford to move, or own their own homes (see Section 4.5.2 - Economy, Employment, and Poverty). Due in part to the migration of people and wealth to the suburbs, many neighborhoods in the city have experienced declining property values.

### 4.6.2.1 Tax Foreclosure

Another indicator of a depressed housing market is the number of tax foreclosures, which indicates that the property owner is either unable or unwilling to pay the taxes on the property. Nonpayment of taxes often means that there is marginal value in the home and the property owner would rather lose the property than pay the required taxes. The City begins tax foreclosure action on properties after taxes are past due for one year. The City provides tax installment agreements of up to 5 years to taxpayers demonstrating financial hardship if the property complies with City codes (City of Rochester 2004). Table 4-10 shows the number of properties foreclosed on for tax purposes in the city and those that were returned to the tax roll after successful negotiation and sale. Overall, the number of foreclosures increased significantly from 1995 to 2004 (by 227, or over 300%).

**Table 4-10 Tax Foreclosure and Disposition Statistics for Rochester, New York**

| Year | Number of Foreclosures | No. of Properties Sold at Auction or Negotiated Sale | Assessed Value of Properties Sold and Returned to Tax Rolls |
|---|---|---|---|
| 1995 | 75 | 143 | $690,785 |
| 1996 | 118 | 159 | $356,623 |
| 1997 | 130 | 250 | $702,500 |
| 1998 | 223 | 112 | $365,106 |
| 1999 | 228 | 125 | $365,000 |
| 2000 | 227 | 130 | $360,000 |
| 2001 | 313 | 185 | $518,000 |
| 2002 | 294 | 209 | $585,200 |
| 2003 | 324 | 482 | $1,266,000 |
| 2004 | 302 | 376 | $948,000 |

Source: City of Rochester 2004.

### 4.6.2.2 Mortgage Foreclosure

Another indicator of a depressed housing market is the number of mortgage foreclosures, which indicates that the property owner is either unable or unwilling to pay the mortgage on the property. Nonpayment of mortgage often means that there is marginal value in the home and the property owner would rather lose the property than make payments on the mortgage. Table 4-11 shows the number of properties foreclosed on for non payment of mortgage purposes in the city and the estimated gross and net loss to the mortgage grantor. Overall, the number of foreclosures increased significantly from 1990 to 1999 (by 639, or over 277%), resulting in an estimated total loss of $131 million over the same time period.

**Table 4-11 Residential Mortgage Foreclosure for Rochester, New York**

| Year | Number of Foreclosures | Estimated Total Judgment Amount (Gross Loss) | Estimated Total Loss (Net Loss) |
|---|---|---|---|
| 1990 | 361 | $20,470,866 | $7,215,307 |
| 1991 | 540 | $30,621,240 | $10,792,980 |
| 1992 | 611 | $34,647,366 | $12,212,057 |
| 1993 | 662 | $37,539,372 | $13,231,394 |
| 1994 | 588 | $33,343,128 | $11,752,356 |
| 1995 | 539 | $30,564,534 | $10,772,993 |
| 1996 | 640 | $36,291,840 | $12,791,680 |
| 1997 | 716 | $40,601,496 | $14,310,692 |
| 1998 | 896 | $50,808,576 | $17,908,352 |
| 1999 | 1000 | $56,706,000 | $19,987,000 |

Source: The Housing Council 2000.

### 4.6.3 Housing Market Characteristics and Affordability

The emigration from the city to the suburbs in recent years, as discussed in Section 4.6.2, Property Values, has resulted in the housing units in the city now being occupied mainly by renters rather than owners. Home ownership initiatives in Rochester, geared at increasing the home ownership rate in the city, suggest owning a home may, for many, be more affordable than renting (City of Rochester 2005b).

#### 4.6.3.1 Rental Market

The rental housing market in Rochester represents a significant portion of the total housing stock. Throughout the city, there are many different categories of renters. The following section examines and identifies the number of renters that experience what is referred to as a "cost burden" or "severe cost burden" in meeting their monthly housing payments, whether that represents rent or mortgage.

Table 4-12 presents a general breakdown of all the city's renters and homeowners and the level of burden based upon their household income level. The cost of housing can be expressed as a portion of a household's total gross income spent on housing costs. For renters, this includes rent plus utilities; for homeowners, it includes mortgage payments, taxes, insurance, and utilities. "Cost burden" is defined as more than 30% of total gross income spent on housing costs, and "severe cost burden" is defined as more than 50% of total gross income spent on housing costs (City of Rochester 2005b).

Cost burden is a problem for 80.5% of the 22,676 "extremely low income" households, regardless of whether they are renters or homeowners; however, it should be noted that there are many more renters (19,297), than owners (3,379) at this income level. While the cost burden is not quite as severe for "very low income" and "low income" households, it is still prevalent for all types of renters across the city (almost 50% experiencing a cost burden, and almost 30% experiencing a severe cost burden).

#### 4.6.3.2 Description of Housing Affordability

A cursory glance at the housing and income data for the City of Rochester would present a place with a median home value of $61,300 and a median family income of $27,123. Putting these two figures in perspective might immediately indicate that the average City family can afford to buy a home ($27,123 * 2.5 = $67,808), going by the generally accepted mortgage affordability ratio of 2.5 times income. It indicates that the average family would qualify for a mortgage of up to $67,808 in order to buy a primary residence.

On the rental side, the United States Department of Housing and Urban Development's 2005 published fair market rents range from $511 for a studio, to $878 for a four-bedroom housing unit. Again, taking Rochester's median family income of $27,123 and without making adjustments for taxes, an average family in Rochester can reasonably afford to pay about $678 (30% of median family income) on

housing. However, when compared with HUD-published fair market rents for the City of Rochester, this indicates that the average City family must spend well above 30% of its income on housing for units with two or more bedrooms.

**Table 4-12Cost Burden and Severe Cost Burden by Tenure and Income Level**

| Cost Burdened Households (HHs) | | Renters | % | Owners | % | Total | % |
|---|---|---|---|---|---|---|---|
| **0 to 30% MFI** | **HHs** | **19,297** | **36.3** | **3,379** | **9.5** | **22,676** | **25.5** |
| Cost Burden | Burden >30% | 15,650 | 81.1 | 2,595 | 76.8 | 18,245 | 80.5 |
| Severe Cost Burden | Burden >50% | 13,103 | 67.9 | 2,071 | 61.3 | 15,174 | 66.9 |
| **30 to 50% MFI** | **HHs** | **10,684** | **20.1** | **4,107** | **11.5** | **14,791** | **16.6** |
| Cost Burden | Burden >30% | 7,126 | 66.7 | 2,579 | 62.8 | 9,705 | 65.6 |
| Severe Cost Burden | Burden >50% | 1,741 | 16.3 | 1,228 | 29.9 | 2,969 | 20.1 |
| **50 to 80% MFI** | **HHs** | **10,922** | **20.5** | **7,080** | **19.8** | **18,002** | **20.2** |
| Cost Burden | Burden >30% | 2,665 | 24.4 | 2,952 | 41.7 | 5,617 | 31.2 |
| Severe Cost Burden | Burden >50% | 208 | 1.9 | 538 | 7.6 | 746 | 4.1 |
| **Total < 80% MFI** | **HHs** | **40,903** | **76.9** | **14,566** | **40.8** | **55,469** | **62.4** |
| Cost Burde | Burden >30% | 25,441 | 62.2 | 8,127 | 55.8 | 33,568 | 60.5 |
| Severe Cost Burden | Burden >50% | 15,052 | 36.8 | 3,837 | 26.3 | 18,889 | 34.1 |
| **80% and > MFI** | **HHs** | **12,282** | **23.1** | **21,175** | **59.2** | **33,457** | **37.6** |
| Cost Burden | Burden >30% | 270 | 2.2 | 1,398 | 6.6 | 1,668 | 5.0 |
| Severe Cost Burden | Burden >50% | 37 | 0.3 | 85 | 0.4 | 122 | 0.4 |
| **Rochester Total** | **HHs** | **53,185** | **100.0** | **35,741** | **100.0** | **88,926** | **100.0** |
| Cost Burden | Burden >30% | 25,711 | 48.3 | 9,524 | 26.6 | 35,235 | 39.6 |
| Severe Cost Burden | Burden >50% | 15,089 | 28.4 | 3,922 | 11.0 | 19,011 | 21.4 |

Source: City of Rochester 2005b.

Key:
MFI = Median Family Income
Extremely Low Income = 0 to 30% MFI
Very Low Income = 30 to 50% MFI
Low Income = 50 to 80% MFI

#### 4.6.3.2.1 Assessment of Income and Housing Costs

Of the universe of 88,926 households, 35,235 (39.6%) spend more than 30% of their household income on housing costs; for renters this payment includes rent paid by the tenant plus utilities, and for owners, mortgage payment, taxes, insurance and utilities. The number of households spending more than 50% of their household income on housing costs is 19,011 (21.4%).

Of the 88,926 total households in Rochester, 26% earn less than 30% of the median family income; which approximates 22,676 households living at or below the poverty level. Amongst families living at or below the poverty level, 85% are renters, while 15% own their primary residences. Additionally, eighty percent of the households living in poverty spend 30% or more of their household income on housing costs, while 66.9% spend half or more of their household income on housing.

#### 4.6.3.2.2 Housing Supply

Census data indicates that there are 6,990 occupied rental housing units affordable to households living at or below 30% of the median family income; with an additional 813 units vacant for rent. The data indicates that there are no owned or for sale units affordable to this income group. This supply demonstrates a very significant mismatch with the demand of 22,676 households for whom this is the only affordable housing if they were to spend no more than 30% of their household income on housing costs. This represents a ratio of 2.9 households per each affordable rental unit in the 30% of median family income group. The disparity between supply and demand at this level is staggering.

Seventeen percent (14,791) of total households earn between 30% and 50% of median family income. There are more affordable rental units available for households in this income range. Census data indicates that there are 23,997 occupied rental units in this affordability range, with an additional 3,566 vacant for rent units.

Owned or for sale units become affordable to households with incomes in the 30% to 50% of the median family income range for the area. There are 27,316 affordable ownership units in this range, and 1,316 vacant units.

The *Democrat and Chronicle* reports that for the period between January 2005 and July 2005, 1,046 sales of single family homes occurred with a median sale price of $55,650. Taking this more recent median sale price of $55,650 and assuming a 95% mortgage at 5.71% for 30 years, the monthly principle, interest, taxes, and insurance total approximately $499 per month. This indicates that home ownership is more affordable than renting when compared to HUD's published fair market rents which call for $687 rent for a two-bedroom, or $824 for a three-bedroom unit.

#### 4.6.3.2.3 Assisted Housing: Public Housing, Section 8, and Privately-Owned Subsidized Housing

Assisted housing is supplied through three avenues: the Section 8 rental assistance program, which could be either tenant- or project-based; public housing and privately-owned subsidized housing. There exist approximately 9,582 such housing units in the City of Rochester. Section 8 and public housing supply the highest number of affordable housing units for very low income households (incomes less than 50% of median family income).

The Rochester Housing Authority (RHA) administers the Section 8 program and reports that they currently assist 6,667 housing units, most of which are tenant-based. They report that in 2005, almost $40 million will be provided in rental assistance to the greater Rochester community.

As noted in Table 4-13, RHA owns and manages a stock of 2,342 public housing units; 1,318 (56.3%) are available to adults aged 50 and older, and to persons with

disabilities; and 1,024 (43.7%) are available to families. These units have a low vacancy rate (2.5%) and RHA maintains a waiting list of 2,684 households. Additionally, RHA provides assistance to another 573 units through other programs including shelter plus care.

**Table 4-13 Assisted Housing Program Inventory**

| Category | # Units |
|---|---|
| **Public Housing Units** | |
| Families | 1,024 |
| Elderly/Disabled | 1,318 |
| **Assisted Housing Units** | |
| Tenant- and Project-based vouchers | 6,667 |
| **Other Programs** | |
| Shelter plus care, moderate rehab, etc. | 573 |
| **Total** | **9,582** |

There are approximately 8,898 privately-owned subsidized housing units within the City. Of this total, 5,320 (60%) are family units, while the remaining 3,583 (40%) are designated elderly and disabled units.

It cannot be assumed that there is an equitable match of needy households occupying the supply of assisted affordable housing. As an example, extremely low income households total 22,676, while the assisted housing supply in its entirety totals 10,150 units, resulting in a demand/supply shortfall for at least 12,521 households. Of the extremely low income households, 19,297 (85%) are renters, including 8,534 households having at least two related persons. Taken together with the fact that more than 80% of the renter cohort (15,650) in this income group (0 to 30% MFI) spend more than 30% of their income for housing, it can be surmised that most extremely low income households reside in unassisted, privately owned housing.

## 4.7 Human Health

Childhood lead poisoning is a major health concern, potentially affecting thousands of children living in pre-1978 homes in the city of Rochester. According to the New York State Department of Health, dusting, flaking and peeling residential lead paint is by far the most significant source of lead exposure to children. Even in well-maintained housing units, some deterioration of paint occurs, and as the paint deteriorates, it is converted into dust-sized particles (NYS DOH 2005). Children that ingest these dust particles are at risk of becoming poisoned, which, in turn, causes irreversible harm to the child's nervous system (City of Rochester 2005b). The City of Rochester and the MCDPH are both involved with the lead poisoning prevention issue and offer programs and initiatives to work toward preventing further poisonings and protecting children.

### 4.7.1 Lead Exposure Pathways

Lead is a highly toxic substance, and research has shown that children who are exposed to lead have a significantly higher risk of developing potentially long-term cognitive, physiological, and behavioral problems. Studies suggest that children 0 to 6 years of age (zero to 72 months) are most susceptible to both lead poisoning and the effects of lead poisoning. First, it is the period of the infant's life (especially between the ages of 1 and 2) where they are often on the floor, crawling, teething, putting items and their hands in their mouth, all of which are potential pathways of lead contamination. Second, it is during this period that children experience a "growth explosion" in the nervous tissue in the brain. The combination of the high susceptibility and the higher likelihood of exposure creates a serious problem that has been documented in numerous medical studies and journals (www.atsdr.cdc.gov/tfacts13.html). According to the National Safety Council, even very low levels of exposure can result in reduced IQ, learning disabilities, attention deficit disorders, behavioral problems, stunted growth, impaired hearing, and kidney damage. At high levels of exposure, a child may become mentally retarded, fall into a coma, and even die from lead poisoning. Lead poisoning has also been associated with juvenile delinquency and criminal behavior (http://www.nsc.org/library/facts/lead.htm).

It has also been found that exposure to lead is also extremely dangerous for unborn children. Unborn children can be exposed to lead through their mothers. Harmful effects include premature births, lower birth weights, decreased mental ability in the infant, learning difficulties, and reduced growth in young children (www.atsdr.cdc.gov/tfacts13.html).

During the past two decades, sources of lead and children's total exposure to lead have been reduced due to the phase-out of leaded gasoline, lead-based paint, and lead from food and beverage cans, drinking water, and other sources. However, children continue to be exposed to lead poisoning, and current research shows that exposure to even lower levels of lead is still harmful to young children (CGR 2002).

Public policies for dealing with the issue of lead poisoning in children are undergoing a shift, from taking action after a child has been exposed to lead (reactive) toward taking primary prevention actions (proactive). This encompasses multiple initiatives, including the general reduction of lead levels in the environment, the maintenance of existing exposure points to prevent incidents of lead poisoning, and general education of families and the community.

### 4.7.2 Distribution of Documented Lead Poisoning Cases

As discussed in Section 2, for over thirty years, the MCDPH has operated the Childhood Lead Poisoning Prevention Program to identify, provide care for, and track the progress of children exhibiting elevated blood lead levels.

Traditionally, the medical community has been concerned about children whose tests indicated blood lead levels of 20 µg/dL or higher. In October 2003, the MCDPH changed their criteria whereby they enroll children into their program that have tested between 15 and 19 µg/dL twice within a year, more than three months apart (MCDPH 2005). As discussed previously, scientific research has shown that lower and lower blood lead levels are harmful, and current research indicates that blood lead levels as low as 10 µg/dL can adversely affect a child's health and development (CDC 2005), and further changes in program protocols are possible.

Information on properties that the MCDPH investigated between 1993 and 2004 due to reported/ identified lead hazards was obtained from the MCDPH. A table of the MCDPH 's screening data is in Appendix D. The data for 2004 was analyzed and subsequently mapped (see Figure 4-5). Figure 4-6 is not meant to present a comprehensive view of all cases of lead poisoning or high-risk properties; rather, it provides a general view of where lead problems have been reported and tracked in the city and any concentrations or areas of concern that may exist. From this assessment, areas that appear to have higher numbers of lead investigations by the MCDPH include Beechwood, North Marketview Heights, South Marketview Heights, 14621 South, Edgerton, 19th Ward, Genesee-Jefferson and Plymouth-Exchange, and POD/CHAC/BEST.

For this assessment, the MCDPH also provided their 2004 lead screening and testing statistics which include information on age, blood lead level results, and primary residence at the time of the test, for children under the age of 6. The children that were found to have blood lead levels above 10 µg/dL were then selected out of the data set received and were considered "at-risk" by MCDPH. Based on address records, the residences of children under 6 years old who exhibited elevated blood lead levels in 2004 were then aggregated by census block group and a corresponding map created (see Figure 4-6). Some of the study area neighborhoods where a high number of children who have elevated blood lead levels lived include North Marketview Heights, Edgerton, Beechwood, 14621 North, and 14621 South.

## 4.8 Historic and Architectural Resources

The City of Rochester has compiled a comprehensive Historic Resource Survey that includes properties individually listed on or declared eligible for the State and National Registers of Historic Places or which are contributing properties in a national or local historic district. Such properties are defined as "Designated Buildings of Historic Value" by the City's Zoning Ordinance (Chapter 120 of the Municipal Code). A copy of the Historic Resources Survey is on file with the City Clerk.

The City has formally designated properties as landmarks and Preservation Districts and established regulations and procedures which ensure their character and integrity by controlling changes to such properties.

Rochester has eight preservation districts, encompassing just over 1,000 properties. The districts were created by the City government to protect their historic and/or architectural character. The eight districts are:

1. East Avenue
2. Mount Hope/Highland
3. Grove Place
4. Brown's Race
5. Corn Hill/Third Ward
6. Susan B. Anthony
7. Beach Avenue
8. South Avenue/Gregory Street

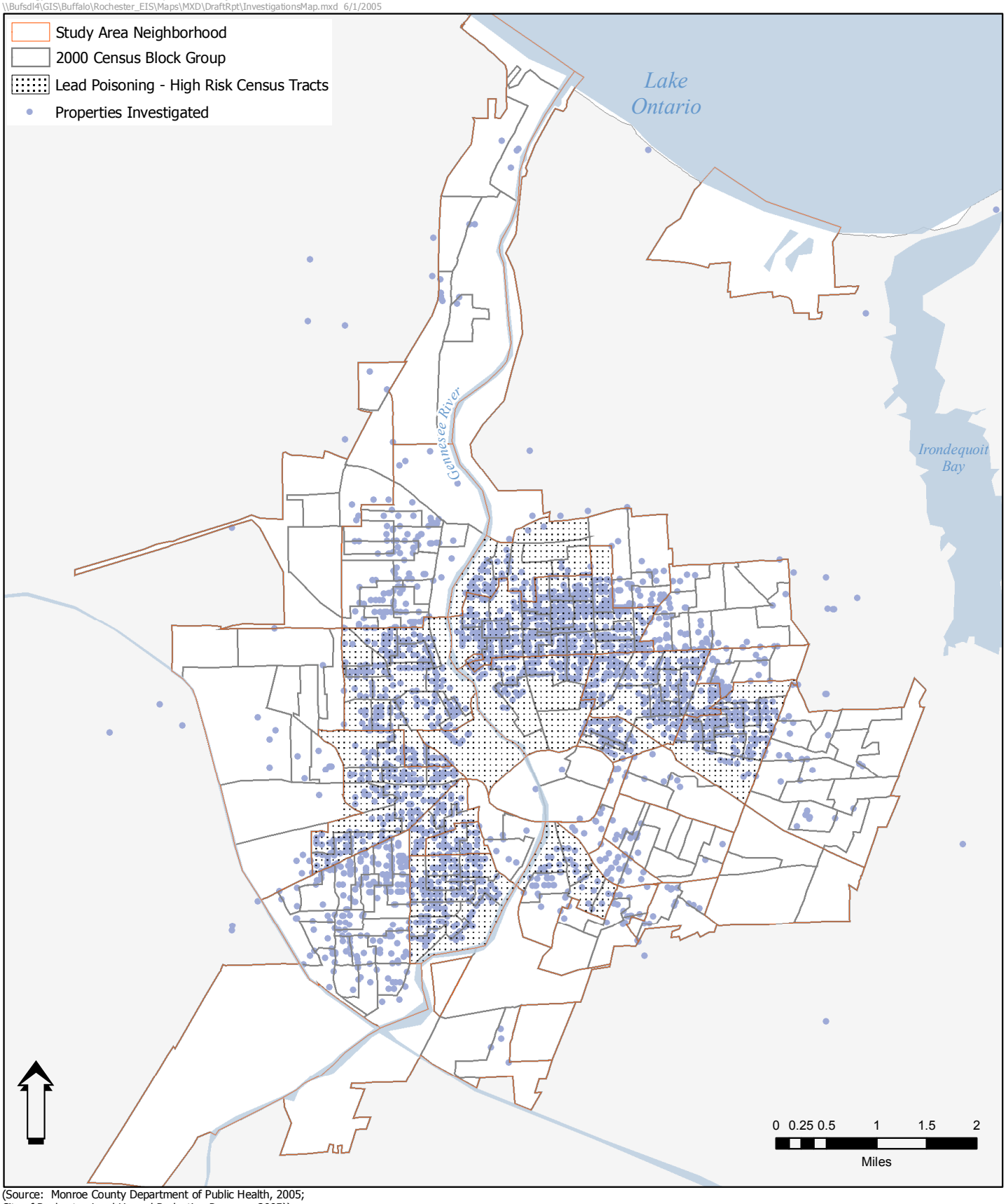
Along with its City-designated landmarks and preservation districts, Rochester has over 65 individual properties listed in the National and State Registers of Historic Places. The majority of these properties (45) are located within the Center City and most were listed as part of the Inner Loop Multiple Resource Area nomination in the mid-1980's. The National and State Registers also recognize 13 historic districts in Rochester, with seven located within the City Center. National Register districts which include significant numbers of residential properties include: Browncroft, East Avenue, Grove Place, Madison Square (Susan B. Anthony), Mt. Hope/Highland, Maplewood, and Third Ward (Corn Hill).

## 4.9 Air Quality

According to the New York State Department of Environmental Conservation (NYSDEC) Region 8 Air Quality Index (AQI), Rochester's air quality is rated as "Good." The AQI takes into account several criteria, including carbon monoxide (CO) and sulfur dioxide ($SO_2$).

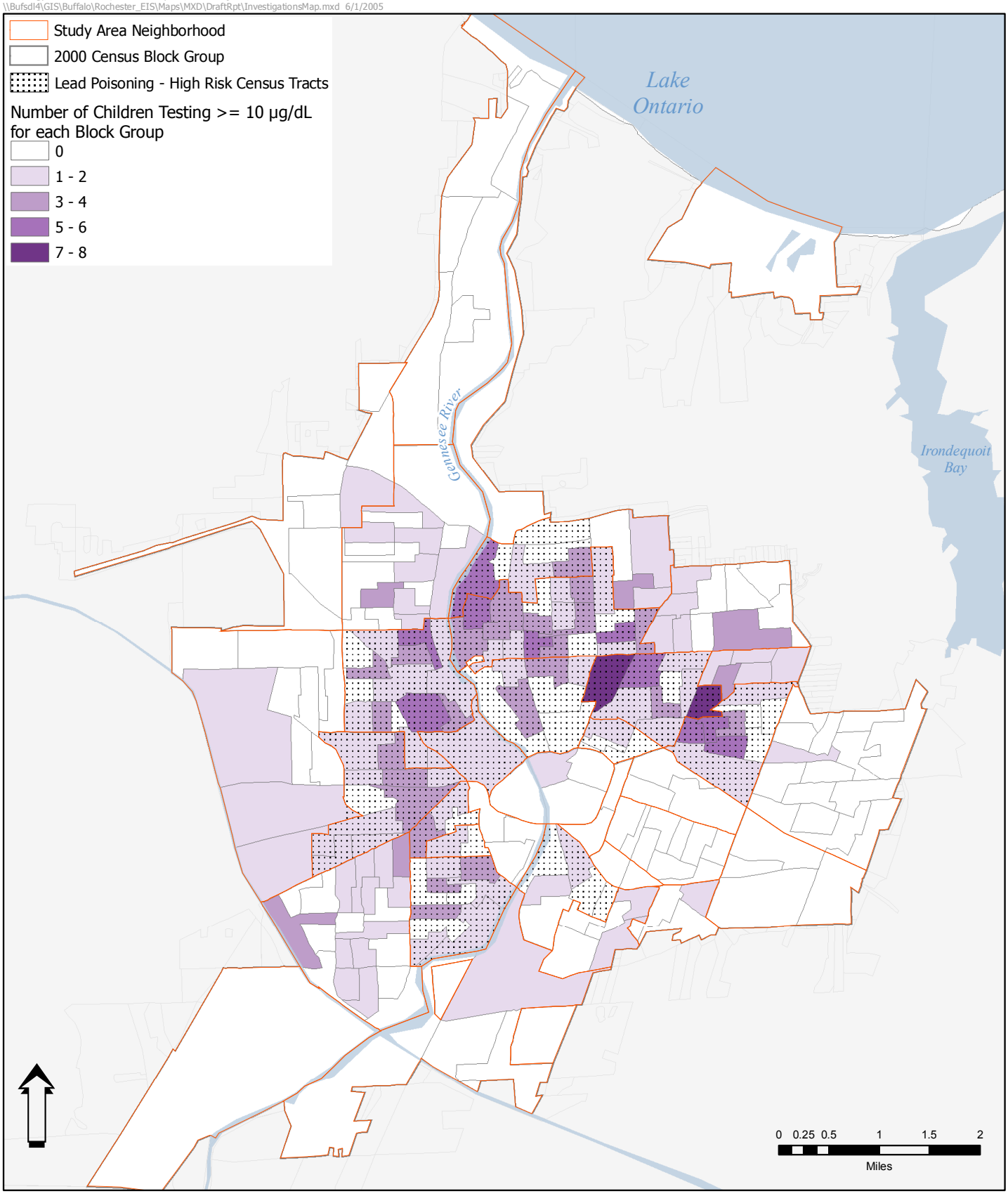
Rochester lies in an area that is designated as in attainment for all criteria pollutants (oxides of nitrogen [$NO_x$], CO, $SO_2$, lead, and inhalable particulate matter) except ozone. An attainment area is one in which ambient concentrations meet national ambient air quality standards (NAAQS). Except for ozone, no violations of state or federal air quality standards have been recorded at the NYSDEC monitoring sites located in Rochester.

Lead levels in the air have not been monitored in the Rochester area for many years since the ambient background levels were found to be negligible after the switch to unleaded gasoline. The closest NYSDEC monitoring station that monitors lead levels is in Niagara Falls, New York (approximately 85 miles to the west), where the average level is approximately 0.02 µg/dL. This level is about 1% of the established level not to be exceeded (1.5 µg/dL) and is thus considered negligible in terms of hazard.




(Source: Monroe County Department of Public Health, 2005;
City of Rochester, Lead Hazard Reduction Program, 2005))

Figure 4-5
Properties where lead hazards were identified as a result of
an Elevated Blood Lead Investigation - 1993-2004




(Source: Monroe County Department of Public Health,2005;
City of Rochester, Lead Hazard Reduction Program, 2005)

Figure 4-6
Children Exhibiting Elevated Blood Levels >= 10 µg/dL in 2004

# 5 Impact Analysis

Section 5 outlines the potential impacts by resource area for each of the four proposed alternatives outlined in Section 3. Each alternative is analyzed individually, however, in some cases, due to the similarities between impacts, there are instances where an impact section will refer to a previously presented statement.

## 5.1 Methodology

In order to analyze the potential impacts associated with the four proposed alternative ordinances, several approaches were utilized depending on the resources area being examined. For economic and housing impacts, a methodology was developed and assumptions were outlined based upon the data and information available prior to conducting the analysis. This methodology is presented in Appendix C.

For the human health impacts, the number of households, and more specifically, children potentially protected from lead exposure was the measurement between each of the four proposed alternatives. This was determined by a topic-by-topic analysis of items outlined in each ordinance, and how the proposed ordinance either helped or hindered the ability to identify, remediate/abate, and track lead hazards in homes.

## 5.2 Land Use

Land use in the City of Rochester is densely developed with a characteristic range of urban-type land uses, with the predominant use in the city being residential. Implementation of any of the ordinances is not expected to significantly change or alter land use patterns in the City of Rochester. Residential uses will continue to be the predominant land use in the City.

The proposed action would be applicable to all residential structures City-wide that meet the specific criteria established in the final alternative ordinance that is ultimately adopted. While there may be substantive obligations placed on property owners that own residential property in the City of Rochester as a result of the proposed alternatives that are being considered, these obligations (i.e. lead hazard control activities) will be applied to the entire universe of land in the City and is not anticipated to have a substantive impact to land use in the City.

There is a chance under some or all of the alternatives proposed that there will be some residential housing units that will be abandoned as a result of the implementation of an ordinance. This is discussed in more detail in Section 5.6 – Housing. It is noted that the risk of mass abandonment occurring will be minimal, and it is impossible to predict exactly how many homes will be abandoned in given areas. However, abandoned homes would potentially lead to changes in the land use of areas in the city to "vacant" status.

None of the alternative ordinances proposes amending or modifying current zoning regulations.

There would be no significant impacts to land use in the City of Rochester under the No Action Alternative.

## 5.3 Community Facilities and Resources

### Community Facilities

There would be no significant adverse affects to community facilities and resources resulting from the implementation of any of the proposed alternatives. None of the proposed alternatives would eliminate or displace any existing or planned future facility; in addition, there are no anticipated, indirect effects of the proposed alternatives because no population will be added to the area as a direct result of the proposed activities. The basic ratio of current residents/population to the existing community facilities and resources will not be impacted by any of the proposed alternatives.

### Schools

There will be no anticipated impact on schools with respect to the number of students or stressing the current capacity of schools in the City of Rochester. There is not a significant change in the school population anticipated under any of the alternatives, nor are there any anticipated impacts to the physical school in the City.

### Delivery of Municipal Services to the Community

Proposed alternative ordinances will have varying degree of impacts on the delivery of municipal services, particularly relating to costs and technical ability to implement and administer the ordinance provisions. Ordinances that require the City of Rochester to fully fund and administer this initiative will result in increased costs that may affect staffing and/or the ability to administer other activities.

## 5.4 Certified Lead Evaluation Firms

In order to calculate the potential change in demand for lead-based paint evaluation firms, assumptions on the number of inspections that could be performed must be made. It was assumed that the following characteristics of lead-based

paint evaluation firms were reasonable based upon knowledge of firms in the area:

1. There are 14 certified lead-based paint evaluation firms in the Rochester area (as noted in Section 4.4).

2. There is an average of three workers employed at each of these firms.

3. The workers can perform one inspection (unit) per day (including paperwork, setting appointment, sampling documentation, etc.).

4. The employees work 5 days a week, 48 weeks per year.

Based upon these assumptions, it was estimated that the current base of evaluation firms can perform 10,080 unit inspections per year (*14 firms * 3 inspectors * 5 days/week * 48 weeks per year*). This constitutes the total supply or capabilities of lead-based paint evaluations.

The total number of evaluations/inspections under each alternative was then estimated in order to determine if the 14 certified lead based paint evaluation firms have adequate capacity to meet the potential demand for evaluations. Census data was utilized to determine the number of housing units that would be evaluated on an annual basis.

Under Alternative 1, housing units that would be considered affected properties and potentially subject to evaluation, would be those renter-occupied homes built pre-1980 plus owner-occupied units built pre-1960. According to the US Census, this constitutes 82,880 units. Assuming the "initial rollout" for the program under alternative 1 accounts for 50% of the total housing units, with the balance being accounted for in the following three years, Table 5-1 depicts the potential change in demand for lead-based paint evaluations.

**Table 5-1 Estimated Demand for Lead-based Paint Inspections under Alternative 1**

| Year of Program | Housing Units Inspected/Evaluated |
|---|---|
| 1 | 20,720 |
| 2 | 20,720 |
| 3 | 13,813 |
| 4 | 13,813 |
| 5 | 13,813 |
| **Total** | **82,880** |

Thus, under Alternative 1, there would be a need for an increase in the local capacity for lead-based paint evaluations in all years of the program, with approximately twice the demand in the first two years over existing supply.

Under Alternatives 2 and 3, a similar number of housing units would require inspection all rental units built pre-1980. This amount is approximately 50,659 units, based upon Census data. Since the inspection process under alternatives 2 and 3 is based upon the renewal of the Certificate of Occupancy, it is assumed that there will be an even distribution of certificate renewals each of the initial five years. Table 5-2 depicts what the potential demand for lead-based paint evaluations would look like under Alternatives 2 and 3.

**Table 5-2 Estimated Demand for Lead-based Paint Inspections under Alternatives 2 and 3**

| Year of Program | Housing Units Inspected/Evaluated |
|---|---|
| 1 | 10,132 |
| 2 | 10,132 |
| 3 | 10,132 |
| 4 | 10,132 |
| 5 | 10,132 |
| **Total** | **50,659** |

The potential demand for evaluations under Alternatives 2 and 3 are very close to what the existing capacity for lead-based paint evaluation is locally. With minimal additional hiring, the current base of firms would be adequate in handling the required increases in work under Alternatives 2 and 3.

In summation, Alternative 1 would result in a significant demand for additional lead-based paint evaluation firms and additional hiring locally to adequately address the increased needs from ordinance implementation. Alternatives 2 and 3 would fully utilize current capacity and with minor hiring would be able to accommodate the slight increase in demand.

With respect to the No Action Alternative, there would be no significant impacts to community facilities or resources, local school capacity/enrollment, or certified abatement and evaluation firms.

## 5.5 Socioeconomic

### 5.5.1 Population

There will be no significant impacts to the local population related to any of the proposed alternatives. Temporary displacement of residents during lead hazard control activities may occur under each of the alternatives, however, there should be no permanent displacement of residents or significant impacts to population numbers. Potential abandonment and related housing issues are discussed in Section 5.6, however, due to the high housing vacancy rate in the City, it is anticipated that individuals would be able to find replacement housing within the City. There would be no significant impacts to population under the No Action Alternative.

### 5.5.2 Economy, Employment, Poverty

#### 5.5.2.1 Lead Inspections, Remediation, and Abatement

Under Alternative 1, there will be an increased demand for work done by certified EPA lead evaluation firms. As stated in Section 4.4, there are approximately 14 lead-based paint evaluation firms in the local Rochester area. These firms will gain more business from the implementation of Alternative 1, and there is the potential for additional growth in this business sector (see Section 5.4). However, it is believed that due to the inherent insurance and liability constraints associated with lead hazards, in addition to the time and cost required to become EPA certified, this business sector is expected to only experience limited growth during the initial time frame when it would be most needed.

Under Alternatives 2 and 3, the initial inspections do not require a certified lead inspector or lead-based paint risk assessor. This will not result in as much business to those professionals as under Alternative 1 because there will be less affected properties and they will be evenly distributed over the course of five years. Owners will be required to obtain lead paint inspections or risk assessments to rebut. In addition, for Alternatives 2 and 3, there will also be an increased demand for lead hazard control work. These alternatives will allow property owners to either perform the work themselves or use general contractors to perform the work, unless abatement work is performed and certified contractors are needed.

#### 5.5.2.2 Laboratory Analysis

In addition to increased demand for certified lead evaluation contractors, there will also be additional work for laboratories to analyze dust and soil samples. Sampling is required for the clearance examination under all three proposed ordinances, however only under Alternative 1 is laboratory analysis required during the initial inspection process (if "deteriorated paint" is found during a visual inspection under Alternatives 2 or 3, this may also trigger a more thorough inspection, which involves laboratory testing). Local capabilities do exist for the analysis of lead contaminants, however, to what extent these laboratory resources are utilized depends on pricing and availability. Some evaluation firms may choose to send their samples outside of the local area if they can receive a cheaper price or a quicker turn-around. Alternative 1 would have the most significant impact on the number of samples and the amount of laboratory work necessary of the alternatives.

#### 5.5.2.3 City Processing and Lead-Hazard Database

Through the proposed development of a lead-paint hazard database, and tracking of the Certificates of Lead Poisoning Prevention Code Compliance and Certificate of Occupancy records, there may potentially be the need for an additional administrative support position(s) at the City to handle this function. Alternatives 1 and 3 have similar proposed database and tracking information associated with them, and it is anticipated that the level of effort would be comparable for both of these proposed alternatives. When weighed against the City's current expenses, there

may be an increased need for staffing as discussed, however, following an initial setup of a system of tracking, the level of effort for this task should be limited. Alternative 2 however does not require management of as many data sets as Alternatives 1 and 3, resulting in less of a need for resources for this task compared to Alternatives 1 and 3.

#### 5.5.2.4 Retail Spending on Home Improvement

Another positive economic impact resulting from the implementation of an ordinance would be additional spending in the local retail market for home improvement supplies. This would range from paint and other interim control supplies to replacement windows and supplies to renovate porches, stairs and flooring. This economic impact would be directly proportional to the number of property owners performing lead remediation work. Thus, it is anticipated that Alternative 1 would have the greatest impact due to the highest number of affected properties, followed by Alternative 2, and then 3. The no action alternative would have no significant impact on retail spending for home improvement.

#### 5.5.2.5 Property Owners and Property Management Services

Potential adverse impacts associated with Alternative 1 include the potential loss of landlord income and business for property management companies. If the implementation of Alternative 1 results in a cost too high for a landlord to remain in business, their properties will either be sold or abandoned (this will be discussed further in Section 5.6). This will negatively impact business and personal income related to property owners and people in the property management business. As discussed further in Section 5.6, estimating specific economic impacts with respect to the number of potential property sales and abandonment that would occur would be speculative, as it will be the property owner's perspective as to how they will handle the situation financially. Section 5.6 provides an analysis of the potential costs associated with ordinance implementation that would be borne by the City of Rochester, as well as potential costs to property owners associated with each alternative proposal.

Potential negative impacts under Alternative 2 include the potential loss of landlord income and business for property management companies. However, the implementation of Alternative 2 would not have as significant impact on the property owners and management business as under Alternative 1 due to the additional costs associated with the requirement to use certified lead-paint inspectors and risk assessors during the inspection process. Alternative 3 would have the least negative economic impact on property owners and management services due to most of the costs being the responsibility of the City. In addition, the most limited number of housing units would require remediation work due to the stipulation that children under six be living in the unit.

#### 5.5.2.6 No Action Alternative

There would be no direct or measurable significant impacts to the economy, employment or income under the No Action Alternative, however, based upon stud-

ies performed on the social impacts of lead poisoning, it has been proposed that there is a theoretical negative economic impact associated with not addressing the lead poisoning problem in children. This primarily takes the form of the following topics (Korfmacher 2003):

1. **Lost future income** – the relationship between elevated blood levels and a lowered IQ, which has been linked with reduced income earned over a person's lifetime.

2. **Health care costs –** the cost of lead poisoning treatment for severely poisoned children (including monitoring and follow on treatment of the child)

3. **Special education** – the link between childhood lead poisoning and lowered IQ, which would contribute to a child's need for special education.

4. **Criminal justice** – the potential link between lead poisoning and delinquent behavior and violent crime, which would result in a societal loss for any criminal activity to prosecute, incarcerate, etc.

5. **State infrastructure for lead poisoning prevention** – the cost to the State of New York for subsidizing efforts to educate about, prevent, and respond to cases of childhood lead poisoning.

6. **Legal liability** – the potential cost of litigation brought forth against municipalities.

### 5.5.3 Tax Revenues

Under Alternative 1, 2, and 3 there is a threat of potential abandonment of properties due to the additional costs that will be incurred by property owners. As discussed in Section 5.6 – Housing, there will be various cost differences under the selected alternatives, which will correspond to differences in the likelihood of abandonment. These costs, and which entity is responsible for implementation/administration, will also impact the City's receipt and use of tax revenue.

Alternative 1 will result in the highest cost being passed on to the property owner as a result of necessary inspection requirements (using an EPA certified lead-paint inspector or risk assessor). As discussed in Section 5.6, these additional costs could potentially have the highest impact on the rate of abandonment of properties. Although not specifically quantified, it is predicted that given a 10-year horizon for recuperating one-time cost scenarios, it is anticipated that landlords would be able to recover and gain positive cash flow within the 10 years, resulting in a limited number of homes being abandoned. However, a portion of homes (most likely with problems beyond only lead-paint hazards) will be abandoned, and a direct linkage can be made between the number of properties occupied and paying taxes, and the amount of property tax revenue the City of Roch-

ester collects. Thus, Alternative 1 could potentially result in the highest loss of property tax revenue for the City of Rochester.

With respect to Alternative 2, there will be less cost incurred by the property owners/landlords due to the differing requirements with respect to performance of the initial inspections work. The initial inspections are done visually as part of the Certificate of Occupancy inspection, and do not require EPA certified lead-paint inspectors or risk assessors unless, visually, there is reason to believe there is a lead-paint hazard.

Under Alternative 2, the reduced costs would mean it is potentially more economically viable to the rental housing market for properties to be remediated under Alternative 2. This will allow the City to collect taxes from more properties across the City and keep the property tax revenue higher than under Alternative 1.

Alternative 3 would potentially result in the least amount of costs being passed on to the property owners, but the greatest cost being incurred by the City of Rochester. This is because much of the costs (e.g., inspection, evaluation and clearance examinations) under this alternative will be the responsibility of the City of Rochester. This will result in little fluctuation to the property tax collection for the City, however, will cost the City a portion of that tax revenue to pay for the additional services for hazard control. Due to the numerous factors involved with the calculation of the taxes and potential services, it is difficult to determine the direct impact under Alternative 3 as it compares with the other alternatives.

There would be no significant impacts to the taxes collected or the City revenue under the No Action Alternative.

### 5.5.4 Specific Impacts to Study Area Neighborhoods

Under Alternative 1, a "targeted" lead code compliance program is proposed. It is not anticipated that the implementation of Alternative 1 will directly or indirectly impact the demographic characteristics of a specific neighborhood more than others, because people will either only be temporarily displaced or are assumed to remain in the same neighborhood in the rare occasion that they are permanently displaced. Alternative 1 may however impact housing and/or human health by specific neighborhoods, and those potential impacts are presented in the table in Section 5.6 – Housing and, in general, for health impacts in Section 5.7 – Human Health.

The triggering mechanism under Alternative 2 is the Certificate of Occupancy under City Code 90-16. If implemented, this mechanism would evenly apply the lead hazard initiative across the entire City, and not be concentrated in particular neighborhoods. This would not target or impact one neighborhood of the City any more or less than another with respect to when inspections were required.

Alternative 3 is similar to Alternative 2, in that the Certificate of Occupancy under City Code 90-16 is the triggering mechanism. Thus, there will also be no impacts to specific neighborhoods more than others with respect to inspections.

There would be no significant impacts to the specific study area neighborhoods with respect to demographic characteristics under the No Action Alternative. However, under the No Action Alternative, there may be neighborhood specific health impacts, and those are described in Section 5.7 – Human Health.

## 5.6 Housing

As stated in Section 5.1, the general methodology and assumptions for the impact analysis are summarized in Appendix C. This includes the rationale for cost figures, assumptions on property management finances, and other data associated with the housing market. There were also previous studies that were utilized to the extent they were relevant to this analysis, including two studies that had many commonalities with this analysis with respect to potential impacts on the housing market. They include (see Section 8 for full citations):

1. *The Milwaukee Pilot Ordinance: An Evaluation of the Implementation Process* by the National Center for Healthy Housing

2. *The Effect of Lead Paint Abatement Laws on Rental Property Values,* which appeared in the American Real Estate & Urban Economics Association (AREUEA) Journal.

It should be noted that in the AREUEA Journal article researchers determined that laws developed requiring the removal of lead from residential properties would only infrequently result in abandonment of properties. In fact, the study found that the more likely response by property owners was to sell their properties; a finding indicating that value was still realizable by market participants after the lead ordinance was implemented. The small likelihood of abandonment was attributable to the added cost of lead hazard control being less than the value of the rental property. Municipal officials in Baltimore noted an overwhelming large compliance rate with the lead ordinance. At least 95% of property owners complied with the program. The study was completed in an urban setting where property values had been steadily declining during that time period, similar to the City of Rochester (AREUEA Journal 1988). The Milwaukee Pilot Ordinance was discussed in detail in Section 2.4.1.2.

For the City of Rochester, the analysis used to evaluate the three alternatives was designed using generally accepted economic and market appraisal principles, similar to methods employed in the studies mentioned above. When dealing with properties that potentially contain lead-based paint, it is important to remember that each property is unique and that no study can provide generalized information that applies to all properties. Further, it is neither feasible nor practical to make any decisions on the financial position of individual property owners or

their specific personal decision making factors. However, the analysis provides an indication of order of magnitude impacts based on actual market data and real estate conditions in select areas throughout the City.

### 5.6.1 Potential for Abandonment

#### 5.6.1.1 Owner-Occupied Housing

For owner-occupied units, the potential estimated one-time lead hazard control cost under each alternative, which is assumed to be identical, was compared to the estimated market value of single-family homes (classification code 210) by study area neighborhood according to actual arm's length sales compiled by the New York State Office of Real Property Services (NYS ORPS). An arm's length sale is a sale completed by a willing buyer and seller with full knowledge and without any undue pressure or duress to complete the sale. One-time or non-recurrent abatement cost estimations are described in detail in Appendix C.

The ratios of lead hazard control costs to market value provided an indication of which neighborhoods would most likely be impacted by any of the proposed ordinances. Table 5-3 below presents the ratios calculated by neighborhood, and for ease of viewing, the higher ratios are shaded darker.

In order to draw conclusions on impacts, it was assumed that a ratio above 20% of the estimated market value of homes in the study area neighborhood was deemed significant. This is because at this threshold it is more likely that an owner would take some concerted action with respect to the property, besides compliance with the ordinance (i.e., either sell or abandon) because it would take a longer amount of time to recoup the cost of lead hazard controls. The study areas that were most impacted were:

- Genesee-Jefferson/Plymouth Ex. *(34%)*,
- Upper Falls *(28%)*,
- Mayor's Heights *(27%)*,
- POD/CHAC/BEST *(27%)*,
- 14621 South *(26%)*,
- North Marketview Heights *(25%)*,
- Edgerton *(21%)*,
- South Marketview Heights *(21%)*, and
- Susan B. Anthony *(21%)*.

**Table 5-3 Owner Occupied Housing Summary Table**

| Neighborhoods | Ratio of Lead Hazard Control Costs to Market Value of Homes |
|---|---|
| 14621 North | 16% |
| 14621 South | 26% |
| 19th Ward | 13% |
| Atlantic-University | 8% |
| Beechwood | 17% |
| Charlotte | 10% |
| Cobbs Hill | 5% |
| Corn Hill | 9% |
| Culver-Winton-Browncroft | 9% |
| Edgerton | 21% |
| Ellwanger-Barry/Swillburg | 9% |
| Genesee-Jefferson/Plymouth Ex. | 34% |
| Homestead Heights | 13% |
| Inner Loop-Alexander | 6% |
| Maplewood East | 13% |
| Maplewood West | 13% |
| Mayors Heights | 27% |
| North Marketview Heights | 25% |
| Northland-Lyceum | 14% |
| Park Avenue | 5% |
| Pearl-Meigs-Monroe | 13% |
| POD/CHAC/BEST | 27% |
| South Marketview Heights | 21% |
| South Wedge | 13% |
| Strong | 9% |
| Susan B. Anthony | 21% |
| Unit Lyell-Otis | 15% |
| Upper Falls | 28% |
| Upper Monroe | 8% |

Notes:

1. Shading represents progressively higher ratios of lead hazard control costs to the estimated market value of the homes utilizing the following scale:

| | |
|---|---|
| <10% | |
| 10%-19% | |
| 20%-29% | |
| >30% | |

Assumptions:

1. All three alternatives use and average one-time lead hazard control cost of $7,500, which was estimated from two separate literature sources and confirmed through discussions with experienced landlords and municipal contacts (see Appendix C).
2. The average market value of homes by study area was calculated using home sale data from the New York State Office of Real Property Services, and accounts for single-family homes (classification code 210), since this is an analysis specifically of owner-occupied units.

The impacts across the three alternatives are assumed to be identical if lead-based paint hazards are found and lead hazard control measures are necessary. What differentiates the alternatives is the number of affected owner-occupied housing units, and the ongoing, annual maintenance costs. For both of these criteria, Alternative 1 will result in the highest degree of impact to home owners for the following reasons:

1. Under Alternative 1, all owner-occupied residential units constructed prior to 1960 are subject to regulation, whereas under Alternative 2 and 3 only those which require a Certificate of Occupancy or are the subject of a complaint are subject to regulation (see Section 5.7.1 for more information).

2. Under Alternative 1, there is the potential for additional ongoing maintenance costs associated with keeping a housing unit lead-safe that may not be applicable under Alternatives 2 and 3. Refer to Table 3-1 under the topic "Ongoing Maintenance Requirements" for more details. These costs were not included in the analysis above.

In summation, this section on owner-occupied housing presents information detailing the specific neighborhoods where the home owners will be most affected by the proposed ordinance under all alternatives (Table 5-3). In addition, the section describes how Alternative 1 will place the greatest burden on property owners, thus creating this highest likelihood of potential abandonment. This abandonment would first occur in the neighborhoods where the ratio of lead-hazard control costs to housing market values is the highest.

#### 5.6.1.2 Rental Housing

**Method.** Existing available data related to the housing market in the City of Rochester was first gathered and evaluated. The data was used to estimate the potential impacts to the housing market based on the proposed ordinance alternatives. Using generally accepted economic and real property appraisal principles; a rental market pro-forma cash flow analysis was conducted for each neighborhood. The pro-forma analyses were completed for a 10-year planning horizon and were based on the income method. The income method discounts each neighborhood's net income streams to arrive at a lump sum present market value, taking into account the baseline situation and the "with ordinance" implementation situation. Each neighborhood's pro-forma cash flow analysis used data on local rents, vacancy rates, number of occupied units and an estimate of the operational and maintenance expenses associated with maintaining these units.

To assess the "with ordinance" situation, lead hazard control costs (both one-time and annual recurrent) were added to the future operational and maintenance costs to arrive at adjusted net income.

The analysis for rental housing evaluated the impacts on market value by assessing the ability of property owners to pay for the one-time lead hazard control costs and annual recurrent estimated lead-related costs (such as inspections), over a 10-year period. Market value was measured by the sum of the present worth of all future discounted annual net cash flows over the 10-year period.

**Specific Modeling Assumptions.** The 10-year horizon was chosen because it was assumed that these properties are long-term investments and ten years was an appropriate period to forecast the absorption of one-time costs and analyze recurring costs. The analysis was conduced for the 29 study area neighborhoods individually, utilizing neighborhood specific data such as average rent, number of housing units, and renter vs. owner-occupied housing units, since these criteria differ between each neighborhood.

To complete the pro-forma modeling exercise, additional assumptions were made concerning the use of an inflation rate, discount rate and operational and maintenance expenses. Operational and maintenance expenses were estimated at 60% of effective gross income based on locally procured real estate information and assumptions based upon stakeholder interviews (see Appendix C for details). A standard future inflation rate of 2.5% per annum was used to escalate future annual rents. No other growth rates were applied to either revenues or costs other than future CPI escalation. In this respect, the modeling exercise can be considered conservative in the assumptions employed. The choice of discount rate, 10%, was based on a slightly lower rate than that used by actual local market participants in their determination of capitalized market values.

Effective gross income calculates annual rental income per neighborhood based only on the number of occupied units.

In calculating future lead hazard control costs per each neighborhood, it was assumed that 100% compliance would occur each year. This assumption was used to assess the full impact on market values from this added incremental cost stream.

**Results.** Table 5-4 presents the lead hazard control scenarios for the three alternatives and shows the measure of market value, the Net Present Value (NPV) of future cash flows over the 10-year period for both the with ordinance implementation situation (defined as “with”), and the without or baseline situation (defined as “without ordinance”), the difference in value, and a ratio of the difference to the without ordinance scenario. The ratio is provided to allow for comparison between study area neighborhoods and a general level of magnitude. The values in Table 5-4 are aggregated for all the rental units in the study area neighborhood.

**Table 5-4 Potential Rental Housing Impacts (amounts in dollars)**

| | Alt. 1 | Alt. 2 | Alt. 3 |
|---|---|---|---|
| Net Present Value (NPV) With: | 472,252,027 | 646,368,192 | 982,680,111 |
| NPV Without: | 1,011,924,625 | 1,011,924,625 | 1,011,924,625 |
| Difference | 539,672,598 | 365,556,433 | 29,244,515 |
| Ratio of Difference to NPV Without | 0.53 | 0.36 | 0.03 |
| **14621 North** | | | |
| NPV With: | 26,378,765 | 37,848,704 | 60,003,320 |
| NPV Without: | 61,929,809 | 61,929,809 | 61,929,809 |
| Difference | 35,551,044 | 24,081,105 | 1,926,488 |
| Ratio of Difference to NPV Without | 0.57 | 0.39 | 0.03 |
| **14621 South** | | | |
| NPV With: | 30,163,260 | 41,724,834 | 64,056,449 |
| NPV Without: | 65,998,328 | 65,998,328 | 65,998,328 |
| Difference | 35,835,068 | 24,273,494 | 1,941,880 |
| Ratio of Difference to NPV Without | 0.54 | 0.37 | 0.03 |
| **19th Ware** | | | |
| NPV With: | 32,212,405 | 41,969,598 | 60,815,985 |
| NPV Without: | 62,454,801 | 62,454,801 | 62,454,801 |
| Difference | 30,242,397 | 20,485,203 | 1,638,816 |
| Ratio of Difference to NPV Without | 0.48 | 0.33 | 0.03 |
| **Atlantic-University** | | | |
| NPV With: | 19,901,148 | 26,390,878 | 38,926,035 |
| NPV Without: | 40,016,049 | 40,016,049 | 40,016,049 |
| Difference | 20,114,900 | 13,625,171 | 1,090,014 |
| Ratio of Difference to NPV Without | 0.50 | 0.34 | 0.03 |
| **Beechwood** | | | |
| NPV With: | 15,807,746 | 21,739,081 | 33,195,678 |
| NPV Without: | 34,191,904 | 34,191,904 | 34,191,904 |
| Difference | 18,384,158 | 12,452,823 | 996,226 |
| Ratio of Difference to NPV Without | 0.54 | 0.36 | 0.03 |
| **Charlotte** | | | |
| NPV With: | 15,193,842 | 21,141,181 | 32,628,690 |
| NPV Without: | 33,627,603 | 33,627,603 | 33,627,603 |
| Difference | 18,433,761 | 12,486,423 | 998,914 |
| Ratio of Difference to NPV Without | 0.55 | 0.37 | 0.03 |
| **Cobbs Hill** | | | |
| NPV With: | 14,502,935 | 18,324,357 | 25,705,577 |
| NPV Without: | 26,347,422 | 26,347,422 | 26,347,422 |
| Difference | 11,844,488 | 8,023,066 | 641,845 |
| Ratio of Difference to NPV Without | 0.45 | 0.30 | 0.02 |

**Table 5-4 Potential Rental Housing Impacts (amounts in dollars)**

| | Alt. 1 | Alt. 2 | Alt. 3 |
|---|---|---|---|
| **Corn Hill** | | | |
| NPV With: | 8,166,681 | 11,632,987 | 18,328,287 |
| NPV Without: | 18,910,487 | 18,910,487 | 18,910,487 |
| Difference | 10,743,806 | 7,277,500 | 582,200 |
| Ratio of Difference to NPV Without | 0.57 | 0.38 | 0.03 |
| **Culver-Winton-Browncroft** | | | |
| NPV With: | 22,380,482 | 29,650,168 | 43,691,840 |
| NPV Without: | 44,912,855 | 44,912,855 | 44,912,855 |
| Difference | 22,532,374 | 15,262,687 | 1,221,015 |
| Ratio of Difference to NPV Without | 0.50 | 0.34 | 0.03 |
| **Edgerton** | | | |
| NPV With: | 29,326,100 | 41,284,402 | 64,382,312 |
| NPV Without: | 66,390,825 | 66,390,825 | 66,390,825 |
| Difference | 37,064,725 | 25,106,423 | 2,008,514 |
| Ratio of Difference to NPV Without | 0.56 | 0.38 | 0.03 |
| **Ellwanger-Barry/Swillburg** | | | |
| NPV With: | 7,860,112 | 10,075,299 | 14,354,016 |
| NPV Without: | 14,726,078 | 14,726,078 | 14,726,078 |
| Difference | 6,865,966 | 4,650,779 | 372,062 |
| Ratio of Difference to NPV Without | 0.47 | 0.32 | 0.03 |
| **Genesee-Jefferson/Plymouth Ex.** | | | |
| NPV With: | 14,788,243 | 21,289,347 | 33,846,475 |
| NPV Without: | 34,938,399 | 34,938,399 | 34,938,399 |
| Difference | 20,150,156 | 13,649,052 | 1,091,924 |
| Ratio of Difference to NPV Without | 0.58 | 0.39 | 0.03 |
| **Homestead Heights** | | | |
| NPV With: | 5,058,175 | 6,911,424 | 10,491,046 |
| NPV Without: | 10,802,317 | 10,802,317 | 10,802,317 |
| Difference | 5,744,143 | 3,890,893 | 311,271 |
| Ratio of Difference to NPV Without | 0.53 | 0.36 | 0.03 |
| **Inner Loop-Alexander** | | | |
| NPV With: | 5,858,521 | 8,522,141 | 13,667,023 |
| NPV Without: | 14,114,404 | 14,114,404 | 14,114,404 |
| Difference | 8,255,883 | 5,592,263 | 447,381 |
| Ratio of Difference to NPV Without | 0.58 | 0.40 | 0.03 |
| **Maplewood East** | | | |
| NPV With: | 28,842,684 | 38,523,880 | 57,223,474 |
| NPV Without: | 58,849,525 | 58,849,525 | 58,849,525 |
| Difference | 30,006,841 | 20,325,645 | 1,626,052 |
| Ratio of Difference to NPV Without | 0.51 | 0.35 | 0.03 |

**Table 5-4 Potential Rental Housing Impacts (amounts in dollars)**

| | Alt. 1 | Alt. 2 | Alt. 3 |
|---|---|---|---|
| **Maplewood West** | | | |
| NPV With: | 11,132,528 | 14,692,914 | 21,569,933 |
| NPV Without: | 22,167,934 | 22,167,934 | 22,167,934 |
| Difference | 11,035,406 | 7,475,021 | 598,002 |
| Ratio of Difference to NPV Without | 0.50 | 0.34 | 0.03 |
| **Mayors Heights** | | | |
| NPV With: | 2,570,536 | 3,778,949 | 6,113,044 |
| NPV Without: | 6,316,009 | 6,316,009 | 6,316,009 |
| Difference | 3,745,473 | 2,537,060 | 202,965 |
| Ratio of Difference to NPV Without | 0.59 | 0.40 | 0.03 |
| **North Marketview Heights** | | | |
| NPV With: | 14,909,206 | 21,269,856 | 33,555,689 |
| NPV Without: | 34,624,022 | 34,624,022 | 34,624,022 |
| Difference | 19,714,816 | 13,354,167 | 1,068,333 |
| Ratio of Difference to NPV Without | 0.57 | 0.39 | 0.03 |
| **Northland-Lyceum** | | | |
| NPV With: | 13,955,578 | 19,231,684 | 29,422,681 |
| NPV Without: | 30,308,855 | 30,308,855 | 30,308,855 |
| Difference | 16,353,277 | 11,077,171 | 886,174 |
| Ratio of Difference to NPV Without | 0.54 | 0.37 | 0.03 |
| **Park Avenue** | | | |
| NPV With: | 48,440,649 | 62,722,664 | 90,308,914 |
| NPV Without: | 92,707,718 | 92,707,718 | 92,707,718 |
| Difference | 44,267,069 | 29,985,054 | 2,398,804 |
| Ratio of Difference to NPV Without | 0.48 | 0.32 | 0.03 |
| **Pearl-Meigs-Monroe** | | | |
| NPV With: | 7,500,117 | 10,619,718 | 16,645,345 |
| NPV Without: | 17,169,313 | 17,169,313 | 17,169,313 |
| Difference | 9,669,196 | 6,549,595 | 523,968 |
| Ratio of Difference to NPV Without | 0.56 | 0.38 | 0.03 |
| **POD/CHAC/BEST** | | | |
| NPV With: | 16,806,867 | 23,797,521 | 37,300,232 |
| NPV Without: | 38,474,381 | 38,474,381 | 38,474,381 |
| Difference | 21,667,514 | 14,676,860 | 1,174,149 |
| Ratio of Difference to NPV Without | 0.56 | 0.38 | 0.03 |
| **South Marketview Heights** | | | |
| NPV With: | 4,695,387 | 6,841,932 | 10,988,066 |
| NPV Without: | 11,348,599 | 11,348,599 | 11,348,599 |
| Difference | 6,653,212 | 4,506,667 | 360,533 |
| Ratio of Difference to NPV Without | 0.59 | 0.40 | 0.03 |

**Table 5-4 Potential Rental Housing Impacts (amounts in dollars)**

| | Alt. 1 | Alt. 2 | Alt. 3 |
|---|---|---|---|
| **South Wedge** | | | |
| NPV With: | 21,420,152 | 30,511,826 | 48,072,735 |
| NPV Without: | 49,599,771 | 49,599,771 | 49,599,771 |
| Difference | 28,179,619 | 19,087,945 | 1,527,036 |
| Ratio of Difference to NPV Without | 0.57 | 0.38 | 0.03 |
| **Strong** | | | |
| NPV With: | 14,342,732 | 19,996,901 | 30,918,142 |
| NPV Without: | 31,867,815 | 31,867,815 | 31,867,815 |
| Difference | 17,525,083 | 11,870,913 | 949,673 |
| Ratio of Difference to NPV Without | 0.55 | 0.37 | 0.03 |
| **Susan B. Anthony** | | | |
| NPV With: | 3,332,682 | 4,983,495 | 8,172,102 |
| NPV Without: | 8,449,372 | 8,449,372 | 8,449,372 |
| Difference | 5,116,691 | 3,465,878 | 277,270 |
| Ratio of Difference to NPV Without | 0.61 | 0.41 | 0.03 |
| **Unit Lyell-Otis** | | | |
| NPV With: | 11,766,901 | 15,960,937 | 24,061,875 |
| NPV Without: | 24,766,305 | 24,766,305 | 24,766,305 |
| Difference | 12,999,404 | 8,805,368 | 704,429 |
| Ratio of Difference to NPV Without | 0.52 | 0.36 | 0.03 |
| **Upper Falls** | | | |
| NPV With: | 12,817,233 | 19,463,489 | 32,300,982 |
| NPV Without: | 33,417,286 | 33,417,286 | 33,417,286 |
| Difference | 20,600,053 | 13,953,797 | 1,116,304 |
| Ratio of Difference to NPV Without | 0.62 | 0.42 | 0.03 |
| **Upper Monroe** | | | |
| NPV With: | 12,120,361 | 15,468,025 | 21,934,165 |
| NPV Without: | 22,496,438 | 22,496,438 | 22,496,438 |
| Difference | 10,376,077 | 7,028,413 | 562,273 |
| Ratio of Difference to NPV Without | 0.46 | 0.31 | 0.02 |

The aggregation of all units in a neighborhood represents an average order of magnitude impact and can be used to distinguish the market value impact per neighborhood. It can be expected that impacts to individual properties (within a neighborhood) will vary based on the individual value parameters associated with each particular property and owner's behavior. Nevertheless, the analysis represents a systematic, disciplined, conventional approach towards assessing market value impacts with and without the ordinance based on conservative modeling assumptions and given the data employed.

Alternative 1 has a greater impact on the cash flow to property owners, as can be seen in Table 5-4 below by comparing the difference between the "with" and "without" scenarios across the three alternatives, in addition to comparing the ra-

tios between the difference and the without ordinance scenario. For example, the total cash flow to landlords for the City of Rochester in the "without" scenario under each alternative is $1.01 billion. Looking at the "with" scenarios under each of the three alternatives, notice that Alternative 1 results in the least amount of cash flow recovered over the 10-year period, followed by Alternative 2 and finally Alternative 3. This means that over the 10-year period, the total cash flow to property owners would be the least under Alternative 1, and be the least attractive option for property owners. Similarly, the ratio of the difference to the NPV without scenario is always the highest under Alternative 1.

In general, it should be noted that the return to a positive cash flow for property owners over a 10-year horizon indicates that the current property owner can sustain their investment, or if they choose to sell their property, would be able to attract other investors. Thus, there would be limited abandonment as a result of the implementation of one of the alternatives, with varying degrees of magnitude (Alternative 1 would have the larges impact and Alternative 3 would have the least impact on property owners).

For a more specific categorization of financial impacts, the ratios could be compacted and contrasted between both study area neighborhoods and alternatives. The highest ratio is 0.62 under Alternative 1 in Upper Falls. This means that the ratio of the difference between the "with" and "without" scenarios compared to the without scenario is the largest in Upper Falls. This could be for several reasons, but is most likely due to the very low property values and rents collected in the area. The lowest ration under Alternative 1 was in Upper Monroe, which has comparatively higher property values and rents collected. Alternative 2 had moderate ratios and Alternative 3 had substantially lower ratios across all study area neighborhoods.

Since the figures in the table are aggregated for the entire study area, they represent a neighborhood average. Therefore, the value results cannot be applied to individual properties within these areas without additional specific adjustments. As stated above, there will be unique situations associated with each property that will govern whether it can be sustained as a profitable rental property. However, the data evaluated suggests that the rental housing market in the study areas is generally sustainable under the three alternatives. In other words, market values can be expected to absorb and tolerate the incremental costs associated with implementing a lead-based paint ordinance.

In The Property Owners and Managers Survey (POMS) conducted in 1995 by the US Census Bureau, it was found that the third most frequent regulation which makes it difficult to operate small rental properties (defined as less than five units) was lead-based paint requirements (Savage 1998). This supports the claim that the ordinances proposed in this GEIS run the risk of creating animosity and financial stress for property owners and creates the potential for abandonment within certain isolated areas of the City's housing market. However, as discussed

previously, it does not appear that any of the alternatives will result in mass abandonment of housing, but Alternative 1 will put the largest financial burden on the existing property owners.

Potential mitigation measures that would serve to reduce the burden on property owners under all alternatives include such measures as making federal, state, and local funds available for lead-hazard control measures, aiding in the application for grant money to perform work, and providing additional guidance on the best ways to identify and control potential lead hazards.

The No Action Alternative would result in no change to the costs incurred by property owners or the City and would not directly impact the housing market.

## 5.7 Human Health

This section discusses potential health implications of three alternative ordinances that pertain to lead poisoning prevention for City neighborhoods.

Prior to presentation of this analysis and drawing any specific conclusions with respect to which of the alternative ordinances will impact the most number of properties (and subsequently, have the potential to protect the largest number of people) there are certain limitations and qualifications that must be recognized and placed on this assessment. As each of the ordinances as drafted states, the ultimate goal of the lead poisoning prevention ordinance is to protect the health of the people in Rochester from lead-based paint exposure. While each of proposed alternatives impact a different number of housing units, it should be noted that it is difficult to accurately predict the actual number of individuals whose health will be protected as a result of each alternative. This is the case for the following reasons:

- **Transient nature of tenants.** According to meetings held with members of the Rochester Housing Authority, the City of Rochester and the Coalition to Prevent Lead Poisoning, many low-income renters who reside in the housing potentially most at risk for lead exposure, move often. Ultimately, the only way to protect against being exposed to lead in this scenario is to have all housing units free of any lead danger.

- **Unknown number of those at-risk.** Under each proposal, housing units subject to the provisions of the ordinance will be documented, but individuals living in them will not. Thus, there is no way of knowing how many people potentially at-risk of exposure to lead hazard there may actually be and no way to determine how many individuals may actually be protected by the code amendments.

- **The presence of lead does not ensure exposure and dose.** The underlying tenant of toxicology is the dose/response relationship. An individual must receive a documented dose large enough to have caused any potential health

problem. The environmental presence of lead does not ensure that individuals living in these properties will actually receive a dose of lead. Presence of lead is merely the opportunity to be exposed, does not constitute dose or lead-poisoning.

- **Health consequences of individuals under six years old.** The majority of lead programs, initiatives, monitoring and treatment concentrate on children under the age of six. Literature suggests that children in the 0 to 6 year old age bracket are most susceptible for a variety of reasons (see Section 4.7.1) Due to the transient nature of the tenants, there is no way to ensure that individuals under six years of age will not be exposed to lead, other than to completely eliminate the potential for exposure (i.e., all housing units free of any lead danger).

- **Learning disabilities and other socioeconomic factors not related to lead poisoning.** The main purpose in establishing the lead poisoning prevention ordinance is to protect children less than six years of age from the dangers of lead poisoning. While there is no debate over the link between high blood levels and health problems in children (including learning disabilities), it should be noted that, although very serious, lead is not the sole reason why children experience learning deficiencies. Invocation of a lead poisoning prevention ordinance, even with complete protection of at-risk population, would not completely eliminate other reasons for learning disabilities for some children, such as their learning environment, involvement of parents in learning at home, and other health-related problems.

As stated previously, one of the objectives of the GEIS is to compare the three proposed ordinances with respect to impacts on human health, including an analysis of the number of impacted housing units potentially made lead-safe under each alternative. The discussion that follows thus will focus on the health-protective aspects of each of the alternatives. It has been determined that there are several criteria in each of the alternative ordinances that do not have a material impact on health protection and/or the number of impacted housing units made safe. These criteria are important, but do not necessarily impact human health, and include the formation of a logistics of notifications, responsibility for payment, etc. Only those criteria that apply to potential lead hazards and have a potential affect human health are discussed below.

### 5.7.1 Affected Properties

While the stated purpose of each of the proposed lead hazard control ordinances is the same, the number of impacted housing units potentially made lead-safe under each ordinance varies widely. Construction dates (i.e. target housing includes all residential rental housing in the City of Rochester constructed prior to 1978) provide a measure of a defining characteristic of affected properties. Target housing includes mixed-use (residential properties also with non-residential uses, such as a storefront) properties.

Alternative 1 (Proposed New Chapter 60: Lead Poisoning Prevention Code) is the most wide reaching of the three proposed alternatives with respect to affected properties ("target properties"). Section 60—104(B) of Alternative 1 defines target housing as all residential rental housing in the City of Rochester constructed prior to 1978, and all owner-occupied residential units constructed prior to 1960. "Zero bedroom" housing, such housing is not considered target housing unless a child who is 6 years of age or younger resides in or is expected to reside in such housing, or is likely to play in or around such housing. "Zero bedroom" housing is an efficiency or studio apartment, or any other unit in which the living area is not separated from the sleeping area.

In addition, Section 60-102(B)(2) of Alternative 1 provides language with respect to those housing units that will be required to obtain an examination stating "…The requirement to obtain an examination will be triggered by notices sent by the City to owners of housing identified as the most likely to contain lead hazards." Because Alternative 1 focuses on housing built prior to 1978 and potentially impacts a broad range of properties, and because it is tailored specifically to impact those properties most likely to have the most dangerous conditions where most at-risk people reside, it can be considered the most health protective.

Alternative 2 (Proposed Amendment to Chapter 90 #1: Lead-Based Paint Poisoning Prevention) refers to "Certificate of Occupancy" requirements and a specific city code (§90-16) and thus could perhaps be considered definitive with respect to the number of affected properties. Additional properties may be made subject to certain provisions if a complaint is made. Thus Alternative 2 also has the potential to impact more properties than the number that actually present a legitimate lead-paint hazard.

Alternative 3 (Proposed Amendment to Chapter 90 #2: Lead-Based Paint Poisoning Prevention) provides an additional stipulation over Alternative 2 in that it includes "properties owned/occupied by a party requesting a lead-paint inspection." Accordingly, Alternative 3 is also broadly inclusive and could impact a larger number of housing units than the number that actually present a legitimate lead-paint hazard in order to accomplish the purpose of the ordinance.

### 5.7.2 Exempt Properties

Each of the alternatives contains provisions exempting certain properties from the reach of the ordinances. Examples of these exempt properties include (refer to Table 3-1 under the "Exempt Properties" topic for details):

- Owner-occupied housing (Alt 1)
- State/federal housing for the disabled or elderly (Alt 1)
- Zero bedroom housing, unless child under 6 is present (Alt 1)

- Dormitory housing (Alt 1)
- Institutional housing (Alt 1)
- Unoccupied residential property set to be demolished (Alt 1)
- Properties taken by a government entity in a foreclosure proceeding that are vacant and either (1) scheduled for demolition or (2) scheduled for sale within 12 months (Alt 2 and 3)

### 5.7.3 What is Required if Deteriorated Lead-based paint or Presumed Lead-based Paint or Other Lead-based Paint Hazards are Detected During Inspection?

There are several differences between alternatives 1, 2, and 3, when a unit is found to contain lead-paint hazards. Alternatives 1 is different than alternatives 2 or 3 in that it requires the establishment of a plan for controlling the hazards using lead-safe work practices be put in place within sixty (60) days. If the unit fails a clearance examination, a new plan requiring hazard controls shall be implemented within thirty (30) days. The "Certificate of Lead Poisoning Prevention Code Compliance" is then issued for a six month duration [§60-105(C)(2)]. The clearance examination under alternatives 1, 2, and 3 are all comparable as noted in Section 5.7.4.

Alternatives 2 and 3 [§90-55 and §90-56, respectively] have many similarities in that they both allow for the condition to be corrected by: certification by a certified lead-based paint inspector or certified risk assessor that the property has been determined to be lead-free upon an inspection conducted in accordance with 24 CFR §35.1320; certification by a certified lead-based paint inspector or risk assessor that all lead-based paint on the property has been identified and removed and clearance has been achieved in accordance with 24 CFR §§35.1320, 35.1325 and 35.1340; certification by the Rochester Housing Authority or other state/federal supervising agency that regulates an assisted housing program stating that the property is in compliance with inspection and clearance requirements and, if applicable, 24 CFR Part 35; and certification by a certified risk assessor that all lead-based paint and hazards have been identified, reduced, and controlled, and clearance achieved in accordance with 24 CFR §§35.1320, 35.1330, and 35.1340.

However, there are two major differences to be noted between alternatives 2 and 3. Alternative 3 states "…the Commissioner shall recommend hazard reduction activities to correct the hazard," which puts the onus and liability on the City for adequate and appropriate lead hazard control measures. Alternative 3 is also the only alternative of the three that contains language specifying that dwellings occupied by a child under the age of 6 may be subject to a Notice and Order requiring removal of deteriorated lead-based or presumed lead-based paint prior to

further activity. For this reason, Alternative 3, assuming the transient nature of the renters, could be considered the most protective of the three with regard to addressing child lead exposure.

The detail of all criteria discussed is specifically outlined in Table 3-1 under the same topic name as this section.

### 5.7.4 Clearance Standards

Clearance standards required for Alternatives 1, 2 and 3 are all comparable for all sources of potential contact for children 6 and under.

### 5.7.5 Disclosure and Other Requirements Upon Property Transfer

Alternative 1 is the most comprehensive with respect to disclosure. Disclosure in this context refers to the proper dissemination of information on potential hazards to prospective buyers and/or renters. Alternative 2 does not stipulate what constitutes disclosure, but instead relies upon the requirements of existing federal statutes and regulations. More comprehensive disclosure could lead to more informed decisions concerning property purchase or leasing, with the end result that fewer at-risk persons (children) are apt to reside in properties with harmful levels of lead. Alternative 3 states that the seller or lessor shall disclose to the purchaser or tenant the presence of any known lead-based paint or hazards in or around the transferable property, and they shall permit the purchaser a 10-day period to conduct a lead-based paint assessment prior to purchase.

### 5.7.6 Summary of Alternatives

For reasons mentioned above, it is very difficult to quantify an increase in the number of homes or persons, particularly children that may be protected by adoption of any one of the alternative ordinances. This is because there are so many variables that can impact the exposure and overall protection of the most at-risk populations from lead poisoning. Based on a comprehensive review of the ordinances, the following key observations are made:

- Alternative 1 (Proposed New Chapter 60: Lead Poisoning Prevention Code) includes the broadest categories of houses targeted for assessment and potential lead hazards control work and because Alternative 1 allows for the fewest exemptions, based on the broadest universe of potential structures and therefore tenants who could be impacted, this Alternative has the widest reach and could potentially be considered the most "health protective." Alternative 1 specifies that a property is not exempt if a child 6 years of age or younger resides in, is expected to reside in, or is likely to play in or around a given property, therefore limiting an exemption for properties with the most at risk population.

- Alternative 2 outlines a universe of eligible properties for inspection following the renewal of the Certificate of Occupancy, however, does not specifically address those cases of housing units with children under the age of 6.

Thus, efforts and resources may be expended on properties with no children present and those homes with children under the age of 6 are not made a priority.

- Alternative 3 – Proposed Amendment to Chapter 90 #2: Lead-Based Paint Poisoning Prevention – provides the greatest degree of overall reduction in potential exposure for the most at risk population in Rochester. This is because Alternative 3 most consistently addresses lead exposure issues for the target population (children age 6 and under). Alternative 3 is the only alternative of the three that contains language specifying that dwellings occupied by a child under the age of 6 are subject to a Notice and Order requiring removal of deteriorated lead-based or presumed lead-based paint prior to further activity.

- Under the No Action Alternative, none of the proposed ordinances would be implemented, and there would be no action taken to identify, remediate, and monitor lead-paint hazards in residential units in the City of Rochester. This would not make any progress towards the overall human health goal of reducing the incidence of childhood lead-poisoning.

## 5.8 Historic Resources

As discussed in Section 4.8, the City of Rochester has a significant number of historically important structures located within the City. There is the potential for a significant impact on architectural and historic resources as a result of the proposed alternatives depending on the specific properties that require remediation.

The alternative ordinances specifically address lead in residential housing, and mandated work on these structures may have an effect upon historic architectural resources of the area. None of the proposed ordinances mandate any physical exterior alterations to any historic structures. However, there could be physical alterations (i.e. windows, porches, doors) to the exterior and interior of historic structures or structures located within historic districts.

It is difficult to determine the exact number or specific-type of properties that will be negatively impacted due to adoption of one of the three potential ordinances. Properties located within designated Preservation Districts or which are designated Landmarks would be protected from inappropriate alteration. It would be the responsibility of the property owner to work through the appropriate channels to properly address any identified needs for lead evaluation and remediation, while adhering to the regulations protecting historic resources.

Under the No Action Alternative, there will be no lead hazard control required of houses in the City of Rochester, thus, there will be no significant impact to any historic buildings.

## 5.9 Air Quality

The proposed action would not generate new development nor alter patterns of future development or traffic flow. Therefore, there would be no changes to vehicular or pedestrian patterns as a result of this action. Since the action would essentially have no change to traffic volumes or patterns, there would be no related mobile-source air quality impacts, nor would the action result in any changes to existing stationary emission sources.

As a result of enacting this proposed law, more remediation and abatement work may be performed in a greater number of dwellings that will result in the overall disturbance of greater quantities of lead-based paint or other material from walls and other surfaces that are subject to the code's provisions. This may result in the temporary and localized generation of more particulate matter during demolition/construction activities.

"Lead Safe Work Practices Training" is available to mitigate potential impacts form lead paint hazard control work. If proper procedures are followed, there should be no adverse impact on air quality in the surrounding community from any of the alternative ordinances.

Under the No Action Alternative, there will be no change to the general air quality of the City.

# 6 Cumulative Impacts

A cumulative impact is an impact on the environment that could result from the incremental impact of the proposed action when added to other past, present or reasonably foreseeable future actions. Cumulative impacts can result from individually minor, but collectively significant actions that take place over time. It is also expected that the implementation of any one of these ordinances will promote the national and city goal of being lead-safe by 2010.

One such example of a cumulative impact would be the combination of one of these ordinances and any future ordinances, directly related to the city building code, that would affect the property owners and the housing stock of the city. The impacts are anticipated to be minimal since the need for any future ordinances relating to lead-based paint is not expected. The City of Rochester currently has no ordinances similar to the proposed.

The proposed ordinances would also work to further the City of Rochester and Monroe County's many initiatives and programs which are working to eliminate childhood lead poisoning. The impact the proposed ordinance will have on these programs is expected to be beneficial to the community.

# 7 Other Considerations

## 7.1 Consistency with Federal, State and Local Laws, Policies, and Regulations

Federal requirements for lead-based paint have been outlined in the Lead-Based Paint Poisoning Prevention Act (LBPPPA), Toxic Substances Control Act (TSCA), HUD Accountability statute, and several sections in the Code of Federal Regulations. These regulations govern the EPA, DOH, HUD, DOL, and OSHA lead-based paint programs and practices. State requirements for lead-based paint include provisions for public health, tenant protections, property maintenance and lead poisoning prevention and control regulations. Monroe County has provisions in local law that provide for elevated blood lead level investigation.

All Federal, State and Local laws, policy and regulations which are applicable to the proposed ordinances are described in Section 2.1. The proposed ordinances have been developed to be consistent with these statutes and regulations.

## 7.2 Irreversible and Irretrievable Commitment of Resources

The implementation of the proposed ordinances will require the irreversible and irretrievable commitment of certain human, material and financial resources. Energy resources, principally in the form or gasoline and electricity (nonrenewable forms of electricity) will be an irreversible loss during construction related to lead hazard control processes required by the proposed ordinances.

The proposed ordinances involve the investment of public and private funds to bring the housing units in the City of Rochester in compliance with the ordinances. Over the long-term, portions of these funds will be recouped through the increase in property values; and the reduction of medical and other expenses linked to childhood lead poisoning. The expenditure of these funds is deemed worthwhile because it will eventually lead to the elimination of childhood lead poisoning in the City of Rochester.

In addition, the implementation of the proposed ordinances will require the use of labor from lead hazard evaluators and lead hazard control contractors. Although

representing an irretrievable commitment of human resources, the employment of these resources will result in beneficial impact on the local economy.

## 7.3 Unavoidable Adverse Effects

The proposed ordinances are consistent with the goal to eliminate childhood lead poisoning by 2010. The proposed ordinances will provide the foundation for this goal to become a reality. There are adverse impacts of the implementation of the proposed ordinances that cannot be mitigated. Unavoidable adverse impacts are defined as those that meet the following two criteria:

- There are no reasonable practicable mitigation measures that eliminate the impact; and

- There are no reasonable alternatives to the proposed project that would meet the purpose and need of the action, eliminate the impact, and not cause other or similar significant adverse impacts.

The implementation of any one of the proposed ordinances would result in an increased financial obligation for property owners who need to control the lead hazards present in their units. Although the costs of lead hazard control can be rather expensive, there are private and public funds currently available to property owners that qualify for the funding. The costs would be recouped by the resulting increase value of the unit after lead hazard controls are completed.

## 7.4 Growth-inducing Aspects of the Proposed Action

The purpose of instituting one of the proposed ordinances is to reduce children's exposure to lead-based paint in their homes. Reducing the number of children exposed to lead hazards within their home would eliminate one of the potential reasons for individuals choosing to live in homes in suburban areas around the city. Thus, although there are numerous additional reasons determining where a family chooses to live, this ordinance has the potential to indirectly stimulate potential residential growth within the city.

## 7.5 Effects on the Use and Conservation of Energy

The implementation of the proposed ordinances is expected to have a minor impact on the use of energy during lead hazard control processes. The lead hazard control processes require the use of nonrenewable sources of energy, mostly in the form of gasoline, electricity and lubricating oils. The energy resources will be used for the construction and remediation associated with the lead hazard control processes. Since the work will be done by private parties, the use and conservation of energy resources will vary by contactor.

# 8 References


A Proactive Approach to Childhood Lead Poisoning. June 2002. United States Conference of Mayors. http://www.usmayors.org/uscm/resolutions/70th_conference/cdh_05.asp. May 26, 2005

Agency for Toxic Substances and Disease Registry (ATSDR). 1999a. "ToxFAQ™ for LEAD," June 1999. www.atsdr.cdc.gov/tfacts13.html, accessed May 2005.

Agency for Toxic Substances and Disease Registry. 1999b. "Toxicological Profile for Lead." http://www.atsdr.cdc.gov/toxprofiles/tp13.pdf. May 2005.

Allen, George, CPM. 1996. "Worksheet Helps Define Community Value." http://mdfhouisng.com/gfa/worksheet.html. June 2005.

Alliance to End Childhood Lead Poisoning. July, 2000. "Action Plan to Make High-Risk Housing Lead Safe."

Bellinger, D. C. 2004. Lead. *Pediatrics.* 113: 1016-22.

Billone, John Jr., J. Hanna. April 19, 2005. Personal communication, meeting with Matt Butwin and Michael Kane. Rochester, New York.

Brantingham, Patricia. April 18, 2005. Personal communication, meeting with Matt Butwin, Frank Stephen, and Dan Castle. Rochester, New York.

Canfield, R.L., C.R. Henderson, D.A. Cory-Slechta, C. Cox, T.A. Juski, B.P. Lanphear. 2003. "Intellectual impairment in children with blood lead concentrations below 10 µg per Deciliter." *New England Journal of Medicine*. 348(16): 1517-1526.

Centers for Disease Control and Prevention. 2000 "Recommendations for Blood Lead Screening of Young Children Enrolled in Medicaid: Targeting a Group at High Risk." *MMWR Morbidity and Mortality Weekly Report*. 49(RR-14).

Centers for Disease Control and Prevention. 2005. "Childhood Lead Poisoning Prevention Program." www.cdc.gov/nceh/lead/guide/1997/docs/factlead.htm. June 2005.

CGR. 2002. "Lead Poisoning Among Young Children in Monroe County: A need assessment, projection, model and next steps." Monroe County Department of Health.

City of Rochester. 2004. "The City of Rochester Comprehensive Annual Financial Report: Year ending June 30, 2004." The City of Rochester.

City of Rochester. 2005a. Earth Systems Research Institute. City of Rochester GIS Data.

City of Rochester. 2005b. "Draft Consolidated Community Development Plan. Strategic Plan 2005-06 thru 2009-10. Annual Action Plan 2005-06." The City of Rochester.

City of Rochester. 2005c. "City LEAD Program Report."

Clicquennoi, Todd. May 26, 2005. Personal communication, telephone conversation with Matt Butwin, Ecology & Environment, Inc. Lancaster, New York.

Coalition to Prevent Lead Poisoning. 2004. "Fund the Fix Work Group Report."

Database: NYS Real-Property Tax Service, 2005 Service: New York State Office of Real Property Service.

D'Allesandro, Mary, L. Berkowitz, B. Beyerbach. April 19, 2005. Personal communication, meeting between Landlords Association and Matt Butwin and Michael Kane. Rochester, New York.

Elliot, Richard, L. Houston, R. Shrader, D. Hyde, and J. Felsen. April 19, 2005. Personal communication, meeting between Monroe County Department of Public Health and Matt Butwin, and Michael Kane. Rochester, New York.

FLHSA African American Health Status Task Force. 2003. "What's Goin' On."

Ford, D.A. and M. Gilligan. 1988. "The Effect of Lead Abatement Laws on Rental Property Values." *AREUEA Journal*. 16(1): 84-94.

Frank, Monte. n.d. "An Introduction to Affordable Housing Development." New York State Housing Trust Fund Corporation.

Galke, W, S. Clark, J. Wilson, D. Jacobs, P. Succop, S. Dixon, B. Bornschein, P. McLaine, and M. Chen. 2001. "Evaluation of the HUD Lead Hazard Control Grant Program: Early Overall Findings." *Environmental Research*. 86: 149-156.

Hanley, Mike., J. Roby-Davison, R. Spezio, B. Hetherington, and R. Kennedy. April 18, 2005. Personal communication, meeting between Coalition to Prevent Lead Poisoning and Matt Butwin, Frank Stephen, and Dan Castle. Rochester, New York.

Home Properties. 2005. "Home Properties Reports First Quarter 2005 Results; FFO per Share Exceeds Wall Street's Mean Estimate." www.homeproperties.com/index.asp. June 2005.

Housing Council, The. 2000. "Residential Foreclosure Action Plan."

Houston, Lee, D. Hyde, J. Felsen, and F. Mirabella. May 13, 2005. Personal communication, meeting between Monroe County Department of Public Health and Matt Butwin and Michael Kane. Rochester, New York.

Kemper, A.R., W.C. Bordley, and S.M. Downs. 1998. "Cost-effectiveness analysis of lead poisoning screening strategies following the 1997 guidelines of the Centers for Disease Control and Prevention." *Arch. Pediatric Adolescence Medicine*. 152: 1202-1208.

Monroe County Department of Public Health. 2005. Monroe County Public Health Department Data Package, Rochester, New York

Landrigan, P.J., C.B. Schechter, J.M. Lipton, M.C. Fahs, and J. Schwartz. 2002. "Environmental pollutants and disease in American children: Estimates of morbidity, mortality, and costs for lead poisoning, asthma, cancer, and developmental disabilities." *Environmental Health Perspectives*. 110(7): 721-728.

Lanphear B.P., Byrd RS, Auinger P, Schaffer S.J. 1998. "Community characteristics associated with children's blood lead levels." *Pediatrics.* 101:264-271

Lanphear, B.P., R. Hornung, and M. Ho. 2005. "Screening Housing to Prevent Lead Toxicity in Children." *Public Health Reports*. 120:305-310.

Lanphear, B.P., R. Hornung, M. Ho, C.R. Howard, S. Eberle, and K. Knauf. 2002. "Environmental lead exposure during early childhood." *The Journal of Pediatrics.* 140(1): 40-47.

National Safety Council. 2004. "Lead Poisoning." http://www.nsc.org/library/facts/lead.htm. May 2005.

Needleman, H.L. 2004. "Lead Poisoning." *Annual Review of Medicine*. 55:209-222.

Needleman, H.L., A. Schell, D. Bellinger, A. Leviton, E. Allred. 1990. "The long-term effects of exposure to low doses of lead in childhood: An 11-Year Follow-up report." *The New England Journal of Medicine*. 322(2): 83-88.

Needleman, H.L., C. Gunnoe, A. Leviton, R. Reed, H. Peresie, C. Maher, and P. Barrett. 1979. "Deficits in physiologic and classroom performance of children with elevated dentine lead levels." *The New England Journal of Medicine*. 300(13):689-695.

Needleman, H.L., J.A. Riess, M. J. Tobin, G.E. Biesecker, J.B. Greenhouse. 1996. "Bone lead levels and delinquent behavior." *JAMA*. 275(5):363-369.

Needleman, H.L., C. McFarland, R.B. Ness, S.E. Fienberg, and M.J. Tobin. 2000. "Bone lead levels in adjudicated delinquents: A case-control study." Pediatric Academic Societies and American Academy of Pediatrics Joint Meeting.

New York State Department of Health. 2001. *Promoting Lead Free Children in New York State: A Report of Lead Exposure Status Among New York Children, 2000-2001*.

New York State Department of Health. 2004. "Eliminating Childhood Lead Poisoning In New York State by 2010." www.health.state.ny.us/nysdoh/environ/lead/finalplanstrat.htm. May, 2005

McLaine, Pat, MPH, and National Center for Healthy Housing. n.d. "The Milwaukee Pilot Program: An Evaluation of the Implementation Process." Milwaukee Health Department and Battelle Memorial Institute.

Presidential Task Force on Environment Health Risks and Safety Risk to Children. 2000. "Eliminating Lead Poisoning: A Federal Strategy targeting Lead Paint Hazards."

Rochester Housing Authority. 2005. "Agency Plan FY 2006- Draft"

Savage, Howard. 1998. "What We Have Learned About Properties, Owners, and Tenants from the 1995 Property Owners and Managers Survey." *Census Bureau*. 121:98-1

Schwartz, Joel. 1994. "Societal Benefits of Reducing Lead Exposure." *Environmental Research*. 66: 105-124.

Smith Korfmacher, Katrina. 2003. "Long-term costs of lead poisoning: How much can New York save by stopping lead?" University of Rochester.

Tonovitz, Michael. April 18, 2005. Personal communication, meeting held between Rochester Housing Authority and Matt Butwin, Frank Stephen and Dan Castle. Rochester, New York.

United States Census Bureau. 2005. "U.S. Census Bureau." www.census.gov. May 2005.

United States Department of Housing and Urban Development. 2005. "Healthy Homes and Lead Hazard Control. http://www.hud.gov/offices/lead/index.cfm. June 2005.

United States Environmental Protection Agency. 2005a. "Lead in Paint, Dust, and Soil." www.epa.gov/opptintr/lead/leadinfo.htm. May 2005

United States Environmental Protection Agency. 2005b. "EPA Region 2 Certified Lead Paint Evaluation Firms."

United States Environmental Protection Agency. 2005c. "EPA Region 2 Certified Lead Paint Abatement Firms."

# 9 List of Preparers

## Ecology and Environment, Inc.

**Castle, Daniel R., AICP – Contract Manager**
M.S., Environmental Science, 1985, State University of New York College of Environmental Science and Forestry
B.A., 1983, Biology, Hartwick College

**Kane, Michael F. – Project Manager**
M.U.P., 1995, Urban Planning, State University of New York at Buffalo
B.A., 1992, Urban and Public Policy Studies, cum laude, State University of New York at Buffalo

**Butwin, Matthew J. – Socioeconomist**
B.S., 1999, Applied Economics/Business Management, College of Agriculture and Life Sciences, Cornell University

**Miller, Ian R. – Chief Economist**
M.S., Economics, 1992, Rensselaer Polytechnic Institute
B.A., Economics/Political Science, 1984, magna cum laude, State University of New York at Buffalo

**Santacrose, Elizabeth R. – Regulatory Expert**
J.D., 2002, State University of New York at Buffalo
B.S., 1998, Political Science/Environmental Policy, magna cum laude, Syracuse University
New York State Bar Certified

**Smith, Rachel J. – Environmental Specialist**
B.A., 2003, Environmental Studies/Chemistry, State University of New York at Buffalo

**Williams, Cristopher A., PhD – Human Health Specialist**
Ph.D., Environmental Toxicology, 1990, University of Wisconsin at Madison
B.S., Zoology, 1983, University of Wisconsin at Madison

# A SEQR Documentation

City of Rochester

Rochester, NY
All-America City
1998

FAX (585) 428-6059
TDD/Voice 428-6054

**William A. Johnson, Jr.**
Mayor

City Hall, Room 307-A
30 Church Street
Rochester, New York 14614-1284
(585) 428-7045

# POSITIVE DECLARATION

## Notice of Intent to Prepare a Draft EIS

## Determination of Significance

This notice is issued in accordance with Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code.

Mayor William A. Johnson, Jr., as lead agency, has determined that the proposed action described below may have a significant impact on the environment and that a Draft Environmental Impact Statement will be prepared.

**Action**: Municipal Code Amendments: Lead Poisoning Prevention

**SEQR Status:** Unlisted Action

**Scoping**: A public scoping process will be conducted, including a public scoping meeting, which will provide opportunities for interested parties to participate.

**Description:** The City of Rochester is proposing to amend its municipal code to provide for the identification, reduction and control of hazards due to the presence of deteriorated lead-based paint in/on pre-1978 structures, in order to protect residents from exposure and reduce the incidence of lead poisoning.

**Reasons Supporting Determination:** Public controversy is likely and the EIS process is viewed as an appropriate means of objectively evaluating the impacts of the proposed action. Potential adverse environmental impacts could result from the proposed action which may affect the community and its character, including: a reduced supply of affordable housing; the displacement of families with small children; depressed property values; increased numbers of vacant residential properties; and the impairment of the character or quality of important historic or architectural properties.

**For Further Information:**

| | |
|---|---|
| Contact Person: | Robert M. Barrows, Manager of Housing |
| Address: | Bureau of Housing & Project Development<br>City Hall, Room 028-B<br>30 Church Street<br>Rochester, New York 14614 |
| Telephone: | (585) 428-6150 |

This declaration and supporting information is on file and available for public inspection at the City of Rochester's Bureau of Housing & Project Development, Room 028-B, City Hall, 30 Church Street, Rochester, New York.

**Distribution**: City Council
Mayor's Office
Rochester Environmental Commission
NYS-DEC Environmental Notice Bulletin

*617.20*
*Appendix A*
*State Environmental Quality Review*
# FULL ENVIRONMENTAL ASSESSMENT FORM

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

**Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.

**Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.

**Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

---

## THIS AREA FOR LEAD AGENCY USE ONLY

## DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

**Identify the Portions of EAF completed for this project:** ☑ Part 1 ☑ Part 2 ☑ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

☐ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**

☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***

☑ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared**.

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Municipal Code Amendments: Lead Poisoning Prevention
Name of Action

William A. Johnson, Jr. Mayor of the City of Rochester
Name of Lead Agency

William A. Johnson, Jr.
Print or Type Name of Responsible Officer in Lead Agency

Mayor
Title of Responsible Officer

William A Johnson
Signature of Responsible Officer in Lead Agency

Robert M Barrows
Signature of Preparer (If different from responsible officer)

February 7, 2005
Date

website

# City of Rochester

Rochester, NY All-America City 1998

## Inter-Departmental Correspondence

| | |
|---|---|
| **To:** | Lois Giess, City Council President |
| **From:** | William A. Johnson, Jr., Mayor |
| **Date:** | January 18, 2005 |
| **Subject:** | Environmental Review - Lead Agency Notification |

Pursuant to the terms of the Lead Agency Agreement authorized by Ordinance #2004-15 , City Council is hereby advised of the proposed action noted below. The Administration proposes to serve as Lead Agency for the purpose of conducting an environmental assessment of this action. Should the Council wish to suspend the Lead Agency Agreement for this action, notification should be made to this office by January 28, 2005. An Environmental Assessment Form is attached for your information.

| | |
|---|---|
| Proposed Action: | City Code Amendments:<br>Alternative 1 - Introductory No. 20: (Chapter 60) Lead Poisoning Prevention Code<br>Alternative 2 - Introductory No. 21: (Chapter 90) Lead-Based Paint Poisoning Prevention |
| SEQR Classification: | [ ] Type I [x ] Unlisted |
| Applicant/Initiator: | Introductory No.20 - Councilman Mains<br>Introductory No. 21 - Administration |
| Involved Agencies: | Mayor<br>City Council |

William A. Johnson Jr.

Attachments:
Environmental Assessment Form

C:\WINDOWS\Temp\mayor and city council.wpd

# CITY OF ROCHESTER
Environmental Assessment Form

## LONG FORM

**FOR CITY USE ONLY**

Project I.D. (File) No(s).:
Project Title:
Date Filed:
Lead Agency:
Review By:
Determination Recommendation: [ ] 1. No significant impact
[ ] a. No mitigation period required
[ ] b. Mitigation period required
[ ] 2. EIS required
Fee Paid: $_____ (have form stamped or attach receipt)

## PART I - Project Information

**AFFIDAVIT**

"I affirm that the information provided herein is true and I understand that this application will be accepted for all purposes as the equivalent of an affidavit, and if it contains a material false statement, shall subject me to the same penalties for perjury as if I had been duly sworn."

Completed by;

Robert M. Barrows
Name (type of print)

Robert M Barrows
Signature

1/18/05
Date

1. **APPLICANT/INITIATOR INFORMATION**

A. Name of Applicant(s)/Initiator(s): Mayor and City Council
Address: 30 Church Street
City: Rochester State: NY Zip Code: 14614
Telephone No.:

B. Name of Agency and/or Individual preparing this form: Dept of Community Development
Address: 30 Church St
City: Rochester State: NY Zip Code: 14614
Contact Person: Robert M Barrows Telephone No.: 428-6150

2. **PROJECT INFORMATION**

A. Project Description. Attach a detailed description of the main features of the project. This description should reflect the ultimate use of the site in terms of all construction and development, verifiable by submitted drawings/plans. If the project will be phased, the anticipated phasing schedule should be described. Two legislation proposals: (1) Councilmen Mains - Introductory #20; and (2) Mayor Johnson - Introductory #21 are attached.

B. Attach **each** of the following:

1. N.A. A copy of USGS 7 1/2 minute, 1:24,000 scale map or other maps, diagrams, or serial photos which clearly indicate the specific boundaries, topography of the project site and the surrounding area, and existing land use of the project site and affected areas.

2. N.A. A site plan showing the location of the significant features such as proposed structures, roads, extent of floodplain, wetlands and landscaping features.

(Citywide activity, not site specific)

C. Property location is on N S E W (circle) side of _____ between _____ and _____
Street Address (if any): _____ (N.A.)

D. Tax Account No. (Assessor): N/A

E. Section-Block-Lot No. (Maps & Records): N/A

F. Estimated development cost $ N/A

G. Project Character N/A

1. Total project area (acres or sq. ft.) _____ or length (miles) _____
2. Number of buildings _____ height/stories _____ sq. ft. _____
3. Number of attached residential units _____ detached _____
4. Total floor area of institutional, commercial or industrial uses (specify) _____
5. Existing zoning district _____ proposed district _____
6. Total land surface area (sq. ft.) of project site which is:

| | Presently | Upon Completion |
|---|---|---|
| Buildings | | |
| Parking Areas, Road, Driveways | | |
| Lawn | | |
| Brush | | |
| Wooded (mature tree cover) | | |
| Freshwater Wetland | | |
| Water Body | | |
| Unvegetated (rock, earth fill, paved surface, etc.) | | |
| Total | = | |

7. What is the anticipated period(s) of construction? _____

3. **SITE INFORMATION** (N/A)

A. Describe the types and locations of soils, using a site map. Give the USDA-SCS soil classification types, if known.

B. What is the depth (in feet) to:
1. Groundwater _____ minimum _____ average
2. Bedrock _____ minimum _____ average

C. **Topography and Grading**. Attach copy of the grading plan.

1. Percent of site previously graded_____

2. Area to be graded (acres or sq. ft.)_____

3. Slope classification of project site;

| Slope | Existing Topography | After Grading |
|---|---|---|
| 0-14% | _____% | _____% |
| 15-24 | _____% | _____% |
| 25% or over | _____% | _____% |
| Total | 100% | 100% |

4. Volume of cutting_____ cubic yards, maximum cut slope ratio_____ and height _____.

5. Volume of fill_____ cubic yards, maximum fill slope ratio_____ and height _____.

6. Volume of soil imported or exported (specify)_____
If exported, identify area of disposal_____

7. Could drainage from the site cause erosion or siltation to adjacent areas?
[ ] Yes [ ] No If yes, explain._____

8. Describe any physical alteration (e.g. dikes, excavation, fill, stream diversion) of any drainage system and/or lake, stream and wetland. Estimate quantity of material to be dredged and indicate where spoils will be deposited._____

9. Describe and indicate on a site map the provisions to control erosion and storm water run-off. Include size and location of any basins and discharge points.

10. Will construction activity occur in any area having 15% slope or greater?
[ ] Yes [ ] No If yes, depict the area of 15% or greater slope and the area of construction activity on the attached site plan._____

11. Is there evidence of significant erosion or slope slippage at the site?
[ ] Yes [ ] No If yes, describe_____

D. What land forms are on the project site (e.g. cliffs, ravines, hills, glacial formations, ridges, etc.)?_____

4. **TRANSPORTATION CHARACTERISTICS** - NOT APPLICABLE

A. **Vehicular trips (one-way) generated by the project:**

| | Vehicles less than 10,000 lbs. GVW | | Vehicles of 10,000 lbs. GVW or greater | |
|---|---|---|---|---|
| | Existing | Upon completion | Existing | Upon completion |
| Peak a.m. hour<br># Trips | _____ a.m. to _____ a.m. | _____ a.m. to _____ a.m. | _____ a.m. to _____ a.m. | _____ a.m. to _____ a.m. |
| Peak p.m. hour<br># Trips | _____ p.m. to _____ p.m. | _____ p.m. to _____ p.m. | _____ p.m. to _____ p.m. | _____ p.m. to _____ p.m. |
| Average daily traffic | | | | |

B. **Traffic Patterns** N/A

1. What streets/roads will receive increased traffic? (For each road indicate the current average daily traffic (ADT) and increase in ADT contributed by the project.) Also include the directional distribution of the ADT on the affected roads.

| Street | Presently | Upon Completion |
|---|---|---|

2. Describe any new transportation patterns which will arise because of the project. The impact the additional traffic will have on the operating capacity of a specific street should be noted.

C. **Employment and User Information** N/A

1. Facilities to be open from _____ a.m. to _____ p.m. on weekdays; from _____ a.m. to _____ p.m. on weekends.
2. Number of total employees (both existing and estimated future)_____ _____ Each shift (identify by shift hours)_____ _____
3. Number of clients, customers or users/average weekday (both existing and estimated future)_____

D. **Parking Information** (N/A)

1. Off street parking spaces:
   a. Total existing _____ ; ____ total upon completion _____.
   b. [ ] On-site [ ] Off-site

2. If the project will affect on-street parking, identify the number of affected spaces and their location:_____

E. **Public Transportation** (N/A)

1. Is the project site/area served by public transportation?
   [ ] Yes [ ] No If yes, identify provider and route members_____
   _____

2. If possible, estimate the number of employees, clients and customers using public transportation_____
   _____

F. **Street System Modifications** (N/A)

1. Does the project involve a street widening? [ ] Yes [ ] No If yes:
   a. How many feet on each side?_____
   b. Will the project remove any portion of the sidewalk or planting strip?
      [ ] Yes [ ] No If yes, describe the dimensions of the project, comparing existing sidewalk and planting strips widths and those proposed
      _____
      _____
   c. If additional right-of-way must be acquired, describe how many feet and the current use and condition of the area being taken on a separate sheet.

2. Does the project require the temporary closing of a street? [ ] Yes [ ] No
   a. If yes, describe the period of time it will be closed and the detour routing on a separate sheet.
   b. If only a partial closing (one or more travel lanes), describe. _____
      _____
      _____

3. Does the project involve a street abandonment? [ ] Yes [ ] No
   If yes, describe_____
   _____

4. Does the project involve construction of a new street? [ ] Yes [ ] No

5. Does the project require (directly or indirectly) any other capital improvement to the existing street system? [ ] Yes [ ] No If yes, describe on a separate sheet.

5. ENVIRONMENTAL INDICATORS'

A. Are any of the following land uses or environmental resources either to be affected by the proposal or located within or adjacent to the project site(s)? Check appropriate box for **every** item of the following checklist:

| | | Yes | No | Unknown |
|---|---|---|---|---|
| a. | Industrial | [✓] | [ ] | [ ] |
| b. | Commercial | [✓] | [ ] | [ ] |
| c. | Office | [✓] | [ ] | [ ] |
| d. | Residential | [✓] | [ ] | [ ] |
| e. | Utilities | [✓] | [ ] | [ ] |
| f. | Parking | [ ] | [✓] | [ ] |
| g. | Streets | [ ] | [✓] | [ ] |
| h. | Parks | [ ] | [✓] | [ ] |
| i. | Hospitals | [✓] | [ ] | [ ] |
| j. | Schools | [✓] | [ ] | [ ] |
| k. | Open Spaces | [ ] | [✓] | [ ] |
| l. | Steep Slopes (15% or greater) | [ ] | [✓] | [ ] |
| m. | Mature trees/ | [ ] | [✓] | [ ] |
| n. | Shoreline | [ ] | [✓] | [ ] |
| o. | Erodible Soils | [ ] | [✓] | [ ] |
| p. | Energy Supplies | [ ] | [✓] | [ ] |
| q. | Hazardous Materials | [ ] | [✓] | [ ] |
| r. | Natural Drainage Course, Stream or other water body | [ ] | [✓] | [ ] |
| s. | Ambient noise levels | [ ] | [✓] | [ ] |
| t. | Freshwater Wetlands designated by DEC | [ ] | [✓] | [ ] |
| u. | Floodplain as designated by Federal Insurance Administration | [ ] | [✓] | [ ] |
| v. | Within 100' of Genesee River, River Gorge, Barge Canal, Lake Ontario | [✓] | [ ] | [ ] |
| w. | Scenic views or vistas of importance to the community. | [ ] | [✓] | [ ] |
| x. | Wildlife, including habitats | [ ] | [✓] | [ ] |
| y. | Air quality | [ ] | [✓] | [ ] |
| z. | Historical, archaeological sites (listed on National Register or eligible for listing) and/or designated City Landmarks/Preservation District | [✓] | [ ] | [ ] |

B. Are any facilities under your ownership, lease, or supervision to be utilized in the accomplishment of this project, either listed or under consideration for listing on the Environmental Protection Agency's List of Violating Facilities? [ ] Yes [✓] No

6. ENVIRONMENTAL QUALITY FACTORS

A. **Air Quality**

1. Identify the types and quantities of air emissions to be produced as a result of the project, including stationary sources on the site and mobile sources attributable to the project (attach a separate sheet).

2. Indicate the measures to be taken to control air emissions (attach a separate sheet).
HEPA vacuum attachments to power tools will reduce particulates.

3. Will the project routinely produce odors? [ ] Yes [✓] No
If odors will occur, indicate who will be affected_____

4. Will the project generate dust during and/or after construction? [ ] Yes [✓] No
If dust will occur, identify control measures_____

B. **Noise and Vibration**

1. Will the project generate noise which could be heard outside the project area?
[ ] Yes [ ✓ ] No If yes, where_____

2. Will the project generate noise exceeding ambient levels (both during and after construction)? [ ] Yes [ ✓ ] No If yes, identify distances to noise sensitive land uses and existing and projected decibel levels at project boundary:

3. Will the project result in vibration being transmitted off the site? [ ] Yes [ ✓ ] No
If yes, identify distances to affected sites, their use, and the levels of vibration:

C. **Waste Generation/Disposal**

1. Describe the type and amount of solid waste that will be generated and the method and location of disposal (describe amount in pounds or cubic yards per week).
Any amounts of waste generation are anticipated to be diminimus and can be accomodated by existing waste disposal systems. Wastes generated by abatement contractors will be regulated by the US-EPA.

2. Will the project result in the use of discharge of hazardous materials/wastes?
[ ] Yes [ ✓ ] No If yes, attach a discussion of the types of materials/wastes, methods for control and any special permits required. Also,
   a. What type of material?_____
   b. How often?_____

3. Liquid Waste
   a. Will the project involve the disposal of liquid waste? [ ✓ ] Yes [ ] No
   b. Sanitary sewage discharge (gallons per day)_____
   c. Will industrial waste be discharged? [ ] Yes [ ✓ ] No
      1. If yes, describe the daily average concentration of the chemical compounds discharged_____
      2. Will the industrial waste receive pretreatment prior to discharge?
      [ ] Yes [ ] No
      3. Describe the means of waste disposal and points of discharge.
      4. Does the project involve demolition of a building or structure?
      [ ] Yes [ ✓ ] No If yes:
         a. Describe the content of the demolition debris and the disposal site.
         b. Does the structure/building contain asbestos?
         [ ] Yes [ ] No If yes:
            1. Describe the procedures to be followed in removal of the asbestos_____
            2. Identify the site where the asbestos will be disposed____

D. **Miscellaneous**

1. Total anticipated water usage per day (gallons/day) unknown
   Describe any sources of water supply other than the municipal system, e.g wells, streams, surface impoundments, etc.

2. Energy Use
   a. Will the project result in an increase in energy use? [ ] Yes [ ] No
      If yes, indicate type(s) and the amount of increase:

   b. Are adequate energy sources and utilities now available to service the project? [ ] Yes [ ] No If not, what additional utilities will be required?

7. Identify **all** governmental actions (i.e. funding, permits, approvals, leases, etc.) necessary for project implementation:

| Level of Government & Agency | Type of Action | Status | Project ID# |
|---|---|---|---|
| Federal | not applicable | | |
| State | not applicable | | |
| Local | City Council | Adoption | Pending | INTRO DOCTORIES # 20 & 21 - 2005 |
| | Mayor | Approval of legislation | Pending | |

8. **SUMMARY OF ISSUES**
   List the potential environmental impacts/issues as identified by responses to sections 3, 4, 5 and 6 above. Discuss alternatives and mitigation measures for these issues.

   See attached

**Continuation**
**of**
**Environmental Assessment Form**

**Action:** **Adoption of amendments to the City Code - Lead-Based Paint Poisoning Prevention**

## 8. SUMMARY OF ISSUES

Introductories #20 (Councilman Mains) and #21 (Mayor Johnson) are considered alternative approaches to addressing the public health threat posed by uncontrolled lead-based paint hazards. It is anticipated that both of these alternatives, as well as additional alternatives, will be fully evaluated to assess their potential adverse environmental impacts and that appropriate mitigation measures will be identified through the preparation of an environmental impact statement.

There are likely to be overwhelmingly positive impacts on the public's health, i.e. reductions in the incidence of lead-based paint poisoning, however, it is very likely that there will be public controversy related to other potential environmental impacts of this action.

The proposed action will impact pre-1978 structures and associated land uses if they are adjacent to residential properties. Given the relatively depressed condition of the real estate market in many city neighborhoods, it is possible that the imposition of additional property maintenance and repair requirements on the owners of pre-1978 structures could result in unintended adverse consequences.

The proposed action could result in the owners and/or operators of pre-1978 structures to reconsider their continued ownership and operation. Such uncertainty may result in a further destabilization of property values in impacted neighborhoods.

In particular, the owners/operators of pre-1978 rented residential properties could find the requirements too onerous and burdensome, given the value of their properties. There is the potential that the existing shortage of safe, sanitary and decent affordable rental housing for low-income households could be exacerbated if such owners were to remove their properties from the market.

Existing occupants of pre-1978 structures could be displaced as the result of decisions made by owners to remove properties from the market, which could impact certain neighborhoods to the extent that their social fabric erodes and they begin to decline. It is also possible that these owners could decide not to renew leases in the affected properties if the tenants have children. While it is illegal under state and federal fair housing laws to decline to rent properties to households with children, such discrimination is known to exist in the community.

While there are certain economic incentives available to mitigate against the possibility of these events occurring, i.e. the availability of financial assistance from the City to property owners to

aid in reducing lead hazards, Rochester's housing values are such that not all property owners are willing to undertake the necessary improvements to their properties.

According to the 2000 U.S. Census, Rochester had a housing vacancy rate of nearly 11% and it is likely that this rate has not declined over that past few years. If properties are removed from the market and remain vacant for prolonged periods of time, the character of the affected neighborhoods could be adversely effected. An increase in the number of vacant properties correlates with declining property values. An April, 2000 study of mortgage foreclosure in the City prepared by the Housing Council found that properties which had been foreclosed upon (and presumably became vacant) experienced significantly reduced values (2.3 times lower resale price in the 14621 neighborhood) than properties that had not been foreclosed upon. In addition, that study found that properties for sale which were located proximate to foreclosed properties (presumed vacant) experienced declines in market price (14% less in the 19th Ward) compared to houses sold where there were no foreclosed (vacant) properties.

Owners of older properties, some of which may be considered historic or architecturally significant and, therefore, of importance to the community, may also find the requirements burdensome and seek to dispose of these properties, thus placing such properties in jeopardy of becoming unstable in their ownership and causing a reduction in their value.

The requirements of the proposal could result in owners of historic and architecturally significant properties choosing to replace building components that are coated with lead-based paint with other materials that may not be in keeping with the historic or architectural character of the property, thus impacting the integrity of such properties.

Thus, it would appear that adverse impacts could result from the proposed action which have yet to be fully explored and quantified, i.e. Community Character and Historic Resources at a minimum.

# PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

**Responsibility of Lead Agency**

**General Information** (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

**Instructions** (Read carefully)

a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.

b. **Maybe** answers should be considered as **Yes** answers.

c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.

d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.

e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.

f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

| | 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|---|---|---|---|
| **Impact on Land** | | | |
| 1. Will the Proposed Action result in a physical change to the project site? NO ☑ YES ☐ | | | |
| **Examples** that would apply to column 2 | | | |
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | ☐ | ☐ | ☐ Yes ☐ No |
| • Construction on land where the depth to the water table is less than 3 feet. | ☐ | ☐ | ☐ Yes ☐ No |
| • Construction of paved parking area for 1,000 or more vehicles. | ☐ | ☐ | ☐ Yes ☐ No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | ☐ | ☐ | ☐ Yes ☐ No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage. | ☐ | ☐ | ☐ Yes ☐ No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | ☐ | ☐ | ☐ Yes ☐ No |

| | 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|---|---|---|---|
| • Construction or expansion of a santary landfill. | ☐ | ☐ | ☐ Yes ☐ No |
| • Construction in a designated floodway. | ☐ | ☐ | ☐ Yes ☐ No |
| • Other impacts: | ☐ | ☐ | ☐ Yes ☐ No |

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)
☑ NO ☐ YES

| | | | |
|---|---|---|---|
| • Specific land forms: | ☐ | ☐ | ☐ Yes ☐ No |

**Impact on Water**

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)
☑ NO ☐ YES

| **Examples** that would apply to column 2 | | | |
|---|---|---|---|
| • Developable area of site contains a protected water body. | ☐ | ☐ | ☐ Yes ☐ No |
| • Dredging more than 100 cubic yards of material from channel of a protected stream. | ☐ | ☐ | ☐ Yes ☐ No |
| • Extension of utility distribution facilities through a protected water body. | ☐ | ☐ | ☐ Yes ☐ No |
| • Construction in a designated freshwater or tidal wetland. | ☐ | ☐ | ☐ Yes ☐ No |
| • Other impacts: | ☐ | ☐ | ☐ Yes ☐ No |

4. Will Proposed Action affect any non-protected existing or new body of water?
☑ NO ☐ YES

| **Examples** that would apply to column 2 | | | |
|---|---|---|---|
| • A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease. | ☐ | ☐ | ☐ Yes ☐ No |
| • Construction of a body of water that exceeds 10 acres of surface area. | ☐ | ☐ | ☐ Yes ☐ No |
| • Other impacts: | ☐ | ☐ | ☐ Yes ☐ No |

| | 1<br>Small to Moderate Impact | 2<br>Potential Large Impact | 3<br>Can Impact Be Mitigated by Project Change |
|---|---|---|---|

5. Will Proposed Action affect surface or groundwater quality or quantity?

☑ NO ☐ YES

**Examples** that would apply to column 2

| | | | |
|---|---|---|---|
| • Proposed Action will require a discharge permit. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity. | ☐ | ☐ | ☐ Yes ☐ No |
| • Construction or operation causing any contamination of a water supply system. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action will adversely affect groundwater. | ☐ | ☐ | ☐ Yes ☐ No |
| • Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action would use water in excess of 20,000 gallons per day. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action will allow residential uses in areas without water and/or sewer services. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities. | ☐ | ☐ | ☐ Yes ☐ No |
| • Other impacts: | ☐ | ☐ | ☐ Yes ☐ No |

| | 1<br>Small to Moderate Impact | 2<br>Potential Large Impact | 3<br>Can Impact Be Mitigated by Project Change |
|---|---|---|---|

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?
☑ NO ☐ YES

**Examples** that would apply to column 2

| | | | |
|---|---|---|---|
| • Proposed Action would change flood water flows | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action may cause substantial erosion. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action is incompatible with existing drainage patterns. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action will allow development in a designated floodway. | ☐ | ☐ | ☐ Yes ☐ No |
| • Other impacts: | ☐ | ☐ | ☐ Yes ☐ No |

**IMPACT ON AIR**

7. Will Proposed Action affect air quality?
☑ NO ☐ YES

**Examples** that would apply to column 2

| | | | |
|---|---|---|---|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | ☐ | ☐ | ☐ Yes ☐ No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | ☐ | ☐ | ☐ Yes ☐ No |
| • Other impacts: | ☐ | ☐ | ☐ Yes ☐ No |

**IMPACT ON PLANTS AND ANIMALS**

8. Will Proposed Action affect any threatened or endangered species?
☑ NO ☐ YES

**Examples** that would apply to column 2

| | | | |
|---|---|---|---|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | ☐ | ☐ | ☐ Yes ☐ No |

| | 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|---|---|---|---|
| • Removal of any portion of a critical or significant wildlife habitat. | ☐ | ☐ | ☐ Yes ☐ No |
| • Application of pesticide or herbicide more than twice a year, other than for agricultural purposes. | ☐ | ☐ | ☐ Yes ☐ No |
| • Other impacts: | ☐ | ☐ | ☐ Yes ☐ No |

9. Will Proposed Action substantially affect non-threatened or non-endangered species?
☑ NO ☐ YES

**Examples** that would apply to column 2

| | | | |
|---|---|---|---|
| • Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation. | ☐ | ☐ | ☐ Yes ☐ No |
| • Other impacts: | ☐ | ☐ | ☐ Yes ☐ No |

**IMPACT ON AGRICULTURAL LAND RESOURCES**

10. Will Proposed Action affect agricultural land resources?
☑ NO ☐ YES

**Examples** that would apply to column 2

| | | | |
|---|---|---|---|
| • The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.) | ☐ | ☐ | ☐ Yes ☐ No |
| • Construction activity would excavate or compact the soil profile of agricultural land. | ☐ | ☐ | ☐ Yes ☐ No |
| • The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land. | ☐ | ☐ | ☐ Yes ☐ No |

| | 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|---|---|---|---|
| • The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff). | ☐ | ☐ | ☐ Yes ☐ No |
| • Other impacts: | ☐ | ☐ | ☐ Yes ☐ No |

**IMPACT ON AESTHETIC RESOURCES**

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)
☑ NO ☐ YES

**Examples** that would apply to column 2

| | | | |
|---|---|---|---|
| • Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource. | ☐ | ☐ | ☐ Yes ☐ No |
| • Project components that will result in the elimination or significant screening of scenic views known to be important to the area. | ☐ | ☐ | ☐ Yes ☐ No |
| • Other impacts: | ☐ | ☐ | ☐ Yes ☐ No |

**IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
☐ NO ☑ YES

**Examples** that would apply to column 2

| | | | |
|---|---|---|---|
| • Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places. | ☐ | ☑ | ☑ Yes ☐ No |
| • Any impact to an archaeological site or fossil bed located within the project site. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory. | ☐ | ☐ | ☐ Yes ☐ No |

| | 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|---|---|---|---|
| • Other impacts: | ☐ | ☐ | ☐ Yes ☐ No |

**IMPACT ON OPEN SPACE AND RECREATION**

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?
☑ NO ☐ YES

**Examples** that would apply to column 2

| | | | |
|---|---|---|---|
| • The permanent foreclosure of a future recreational opportunity. | ☐ | ☐ | ☐ Yes ☐ No |
| • A major reduction of an open space important to the community. | ☐ | ☐ | ☐ Yes ☐ No |
| • Other impacts: | ☐ | ☐ | ☐ Yes ☐ No |

**IMPACT ON CRITICAL ENVIRONMENTAL AREAS**

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?
☑ NO ☐ YES

List the environmental characteristics that caused the designation of the CEA.

**Examples** that would apply to column 2

| | | | |
|---|---|---|---|
| • Proposed Action to locate within the CEA? | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action will result in a reduction in the quantity of the resource? | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action will result in a reduction in the quality of the resource? | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | ☐ | ☐ | ☐ Yes ☐ No |
| • Other impacts: | ☐ | ☐ | ☐ Yes ☐ No |

| | 1<br>Small to Moderate Impact | 2<br>Potential Large Impact | 3<br>Can Impact Be Mitigated by Project Change |
|---|---|---|---|

**IMPACT ON TRANSPORTATION**

15. Will there be an effect to existing transportation systems?

☑ NO ☐ YES

**Examples** that would apply to column 2

| | | | |
|---|---|---|---|
| • Alteration of present patterns of movement of people and/or goods. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action will result in major traffic problems. | ☐ | ☐ | ☐ Yes ☐ No |
| • Other impacts: | ☐ | ☐ | ☐ Yes ☐ No |

**IMPACT ON ENERGY**

16. Will Proposed Action affect the community's sources of fuel or energy supply?

☑ NO ☐ YES

**Examples** that would apply to column 2

| | | | |
|---|---|---|---|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | ☐ | ☐ | ☐ Yes ☐ No |
| • Other impacts: | ☐ | ☐ | ☐ Yes ☐ No |

**NOISE AND ODOR IMPACT**

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

☑ NO ☐ YES

**Examples** that would apply to column 2

| | | | |
|---|---|---|---|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility. | ☐ | ☐ | ☐ Yes ☐ No |
| • Odors will occur routinely (more than one hour per day). | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action will remove natural barriers that would act as a noise screen. | ☐ | ☐ | ☐ Yes ☐ No |
| • Other impacts: | ☐ | ☐ | ☐ Yes ☐ No |

| | 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|---|---|---|---|

**IMPACT ON PUBLIC HEALTH**

18. Will Proposed Action affect public health and safety?
☐ NO ☑ YES

| | | | |
|---|---|---|---|
| • Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.) | ☐ | ☐ | ☐ Yes ☐ No |
| • Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. | ☐ | ☐ | ☐ Yes ☐ No |
| • Other impacts: | ☐ | ☐ | ☐ Yes ☐ No |

Action is expected to reduce the incidence of lead poisoning, a positive impact.

**IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD**

19. Will Proposed Action affect the character of the existing community?
☐ NO ☑ YES

**Examples** that would apply to column 2

| | | | |
|---|---|---|---|
| • The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%. | ☐ | ☐ | ☐ Yes ☐ No |
| • The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action will conflict with officially adopted plans or goals. | ☐ | ☐ | ☐ Yes ☐ No |
| • Proposed Action will cause a change in the density of land use. | ☐ | ☑ | ☑ Yes ☐ No |
| • Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community. | ☐ | ☐ | ☐ Yes ☐ No |
| • Development will create a demand for additional community services (e.g. schools, police and fire, etc.) | ☐ | ☐ | ☐ Yes ☐ No |

| | 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|---|---|---|---|
| • Proposed Action will set an important precedent for future projects. | ☐ | ☑ | ☐ Yes ☐ No |
| • Proposed Action will create or eliminate employment. | ☐ | ☐ | ☐ Yes ☐ No |
| • Other impacts: | ☐ | ☐ | ☐ Yes ☐ No |

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?
☐ NO ☑ YES

**If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3**

ENVIRONMENTAL ASSESSMENT FORM

PART 3

EVALUATION OF THE IMPORTANCE OF IMPACTS

Action: Municipal Code Amendments: Lead Poisoning Prevention

Impact Area: Character of Community or Neighborhood

Description:

The proposed action will impact pre-1978 structures and associated land uses if they are adjacent to residential properties. Given the relatively depressed condition of the real estate market in many city neighborhoods, it is possible that the imposition of additional property maintenance and repair requirements on the owners of pre-1978 structures could result in unintended adverse consequences.

The proposed action could result in the owners and/or operators of pre-1978 structures to reconsider their continued ownership and operation. Such uncertainty may result in a further destabilization of property values in impacted neighborhoods.

In particular, the owners/operators of pre-1978 rented residential properties could find the requirements too onerous and burdensome, given the value of their properties. There is the potential that the existing shortage of safe, sanitary and decent affordable rental housing for low-income households could be exacerbated if such owners were to remove their properties from the market.

Existing occupants of pre-1978 structures could be displaced as the result of decisions made by owners to remove properties from the market, which could impact certain neighborhoods to the extent that their social fabric erodes and they begin to decline. It is also possible that these owners could decide not to renew leases in the affected properties if the tenants have children. While it is illegal under state and federal fair housing laws to decline to rent properties to households with children, such discrimination is known to exist in the community.

According to the 2000 U.S. Census, Rochester had a housing vacancy rate of nearly 11% and it is likely that this rate has not declined over that past few years. If properties are removed from the market and remain vacant for prolonged periods of time, the character of the affected neighborhoods could be adversely effected. An increase in the number of vacant properties correlates with declining property values. An April, 2000 study of mortgage foreclosure in the City prepared by the Housing Council found that properties which had been foreclosed

upon (and presumably became vacant) experienced significantly reduced values (2.3 times lower resale price in the 14621 neighborhood) than properties that had not been foreclosed upon. In addition, that study found that properties for sale which were located proximate to foreclosed properties (presumed vacant) experienced declines in market price (14% less in the 19th Ward) compared to houses sold where there were no foreclosed (vacant) properties.

Potential Mitigation:

The City could be called upon to establish a fund to assist the owners of affected properties in the required inspection and assessment.

The City has established economic incentives to mitigate against the possibility of these events occurring, i.e. the availability of financial assistance from the City to property owners to aid in reducing lead hazards, however, housing values are such that not all property owners are willing to undertake the necessary improvements to their properties.

Importance of Impact:

These are important impacts because the probability of their occurring and the extent to which they may occur cannot be easily determined. Further evaluation is warranted. Known objections to the action have cited such concerns.

ENVIRONMENTAL ASSESSMENT FORM

PART 3

EVALUATION OF THE IMPORTANCE OF IMPACTS

Action: Municipal Code Amendments: Lead Poisoning Prevention

Impact Area: Historic and Architectural Resources

Description: Owners of older properties, some of which may be considered historic or architecturally significant and, therefore, of importance to the community, may find the requirements of the proposed code amendments burdensome and seek to dispose of these properties, thus placing such properties in jeopardy of becoming unstable in their ownership and causing a reduction in their value.

The requirements of the proposal could result in owners of historic and architecturally significant properties choosing to replace building components that are coated with lead-based paint with other materials that may not be in keeping with the historic or architectural character of the property, thus impacting the integrity of such properties.

Potential Mitigation:

Eligible properties could be designated as city landmarks and/or preservation districts, thus imposing additional regulatory requirements which would restrict the owners' ability to alter their properties in an inappropriate manner.

The City could be called upon to establish a fund to assist the owners of such properties in the appropriate treatment of their properties.

The use of any state or federal funds to treat such properties will invoke the requirements of the State and National Historic Preservation Acts, thus assuring the appropriate treatment of properties which are listed or eligible for listing on the registers of historic places.

Importance of Impact:

This is an important impact because the probability of it occurring cannot be easily determined; and if properties are altered in an inappropriate manner, the result may be irreversible. There could be objections from property owners if the City sought to designate properties as landmarks or preservation districts.

upon (and presumably became vacant) experienced significantly reduced values (2.3 times lower resale price in the 14621 neighborhood) than properties that had not been foreclosed upon. In addition, that study found that properties for sale which were located proximate to foreclosed properties (presumed vacant) experienced declines in market price (14% less in the 19th Ward) compared to houses sold where there were no foreclosed (vacant) properties.

Potential Mitigation:

The City could be called upon to establish a fund to assist the owners of affected properties in the required inspection and assessment.

The City has established economic incentives to mitigate against the possibility of these events occurring, i.e. the availability of financial assistance from the City to property owners to aid in reducing lead hazards, however, housing values are such that not all property owners are willing to undertake the necessary improvements to their properties.

Importance of Impact:

These are important impacts because the probability of their occurring and the extent to which they may occur cannot be easily determined. Further evaluation is warranted. Known objections to the action have cited such concerns.

ENVIRONMENTAL ASSESSMENT FORM

PART 3

EVALUATION OF THE IMPORTANCE OF IMPACTS

Action: Municipal Code Amendments: Lead Poisoning Prevention

Impact Area: Public Controversy

Description: There is controversy about the extent and degree to which the City should regulate the affected properties.

Potential Mitigation:

The environmental impact statement process is viewed as an appropriate means to to identify potential mitigation measures to address concerns about the impact of the action. All interested parties will be afforded the opportunity to suggest potential alternatives and mitigation measures.

Importance of Impact:

This is an important impact because it is the City's desire to provide a structured process for the expression and consideration of opposing views on such an important public policy issue.

# City of Rochester

Rochester, NY
All-America City
1998

## Inter-Departmental Correspondence

**To:** Lois Giess, City Council President

**From:** William A. Johnson, Jr., Mayor

**Date:** January 18, 2005

**Subject:** Environmental Review - Lead Agency Notification

Pursuant to the terms of the Lead Agency Agreement authorized by Ordinance #2004-15 , City Council is hereby advised of the proposed action noted below. The Administration proposes to serve as Lead Agency for the purpose of conducting an environmental assessment of this action. Should the Council wish to suspend the Lead Agency Agreement for this action, notification should be made to this office by January 28, 2005. An Environmental Assessment Form is attached for your information.

Proposed Action: City Code Amendments:
Alternative 1 - Introductory No. 20: (Chapter 60) Lead Poisoning Prevention Code
Alternative 2 - Introductory No. 21: (Chapter 90) Lead-Based Paint Poisoning Prevention

SEQR Classification: [ ] Type I [x] Unlisted

Applicant/Initiator: Introductory No.20 - Councilman Mains
Introductory No. 21 - Administration

Involved Agencies: Mayor
City Council

William A. Johnson Jr.

Attachments:
Environmental Assessment Form

C:\WINDOWS\Temp\mayor and city council.wpd

**From:** Bob Barrows
**To:** Bulletin, Environmental
**Date:** 2/18/05 12:51PM
**Subject:** Re: SEQR Submisson Form

Please publish the attached notice

>>> "Environmental Bulletin" <enb@gw.dec.state.ny.us> 02/15/05 01:56PM >>>
fill out the form and attach it to an email to the Environmental
Bulletin

>>> "Bob Barrows" <BARROWSB@cityofrochester.gov> 02/15/05 01:22PM >>>
Thank you for the form. How do I submit for ENB publication?

>>> "Environmental Bulletin" <enb@gw.dec.state.ny.us> 02/15/05 11:37AM
>>>

>>> "Bob Barrows" <BARROWSB@cityofrochester.gov> 02/15/05 11:27AM >>>
I require a WordPerfect version of the submission form in order to
submit a SEQR Positive Declaration

Bob Barrows, Manager of Housing
City of Rochester
(585) 428-6150

The ENB SEQRA Notice Publication Form - *Please check all that apply.*

**Deadline: Notices must be received by 6 p.m. Wednesday** to appear in the following Wednesday's ENB.

____Negative Declaration - Type I

____Conditioned Negative Declaration

____Draft Negative Declaration

___x_Positive Declaration
___x_ with Public Scoping Session

____Draft EIS
____with Public Hearing
____Generic
____Supplemental

_____Final EIS
____Generic
____Supplemental

---

DEC Region # 8 County: Monroe Lead Agency: Mayor, City of Rochester

Project Title: Municipal Code Amendments - Lead Poisoning Prevention

Brief Project Description: The City of Rochester is proposing to amend its municipal code to provide for the identification, reduction and control of hazards due to the presence of deteriorated lead-based paint in/on pre-1978 structures, in order to protect residents from exposure and reduce the incidence of lead poisoning.

Project Location:

Address: Citywide City: Rochester State: New York

For Public Scoping Session: Date 02/28/05 Time: 6:30 pm

Location: City Hall, Council Chambers
30 Church Street
Rochester, NY 14614

Contact Person: Robert M. Barrows, Manager of Housing
Phone: (585) 428-6150
Fax: (585) 428-6229
E-mail: barrowsb@cityofrochester.gov

# ENB - REGION 8 NOTICES



## Negative Declaration

**Genesee County** - The Town of Byron, as lead agency, has determined that the proposed Town of Byron Water District No. 2 will not have a significant adverse environmental impact. The action involves the Town of Byron developing plans to construct Water District No. 2 along portions of NYS Route 237, Warboys Road, Mechanic Street, Walkers Corners Road and Freeman Road. The project will provide public water to 151 properties in the Town of Byron, including residents of the Hamlet of South Byron and the Pumpkin Hill area. The proposed improvements include the construction of 37,550 feet of 8-inch watermain, which includes 12,050 feet of transmission main within the Town of Stafford. (Note: no residents in the Town of Stafford will be served as part of the proposed project.) Activities include the installation of watermain, fire hydrants, valves, connections, stream and road crossings, excavation and bedding materials and surface restoration. Water will be provided to Water District No. 2 by the Monroe County Water Authority. The project is located on portions of NYS Route 237, Warboys Road, Mechanic Street, Walkers Corners Road and Freeman Road, Towns of Byron and Stafford, Genesee County.

**Contact:** Richard Glazier, Town of Byron, Route 237, P. O. Box 9, Byron, NY 14422, phone: (585) 548-7123, fax: (585) 548-2812.

---

## Positive Declaration And Public Scoping

**Monroe County** - The City of Rochester, as lead agency, has determined that the proposed Municipal Code Amendments - Lead Poisoning Prevention may have a significant adverse impact on the environment and a Draft Environmental Impact Statement must be prepared. A public scoping session was held on **February 28, 2005 at 6:30 p.m.** at City Hall, Council Chambers, 30 Church Street, Rochester, NY. The action involves the City of Rochester proposing to amend its municipal code to provide for the identification, reduction and control of hazards due to the presence of deteriorated lead-based paint in/on pre-1978 structures, in order to protect residents from exposure and reduce the incidence of lead poisoning. The project is located citywide.

**Contact:** Robert M. Barrows, City Of Rochester, 30 Church Street, Rochester, NY 14614, phone: (585) 428-6150, fax: (585) 428-6229, E-mail: barrowsb@cityofrochester.gov.

---

**Monroe County** - The Town of Brighton Town Board, as lead agency, has determined that the proposed University of Rochester IPD Rezoning may have a significant adverse impact on the environment and a Draft Environmental Impact Statement must be prepared. A public scoping session will be held on **March 23, 2005 at 7:30 p.m.** at the Brighton Town Hall, 2300 Elmwood Avenue, Brighton, NY. The action involves the rezoning and incentive zoning of approximately 188 + acres of land (the "Property") from residential to Institutional Planned Development ("IPD"). The project area is comprised of 5 parcels consisting of approximately 255 acres. The project is located in the Town of Brighton, Monroe County. The project area is bounded on the north by the intersection of the former Lehigh Railroad right of way with Interstate Route 390, on the west by the aforementioned ROW, on the east by W. Henrietta Road, and on the south by Southland Drive

# B Neighborhood Descriptions

### 14621 (North)

The neighborhood of 14621 (North) is located directly north of the city-core area and is home to 11,173 or 5% of the City's population. Bordering neighborhoods include 14621 (South) and Northland-Lyceum. There are approximately 4,854 households and 5,383 housing units in the neighborhood. Of the units that are occupied, only 30% are owner-occupied, with the balance being renters. This is 25% below the average for the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent more than half of the total population (58%), with Black or African Americans being the most heavily represented at 37%. There are 1,068 children under 6 years old living in 14621 (North) according to the 2000 U.S. Census.

It is estimated that 53% of the families in 14621 (North) are living below 80% of the MFI, and 17% below 30% of the MFI. Essentially all the housing units in 14621 (North) were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in 14621 (North) is approximately $45,891, which is 14% below the City average of $53,141.

It was determined that 17% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is nearly twice the City average of 9%.

| | |
|---|---|
| Population | 11,173 |
| Percent Black | 37% |
| Percent Minority | 58% |
| Population over 25 without a High School Diploma | 43% |
| Housing Units | 5,383 |
| Households | 4,854 |
| Properties owned by Investors | 60% |
| Owner Occupancy Rate | 32% |
| Families | 2,440 |
| Families below 30% MFI | 17% |
| Families below 80% MFI | 53% |
| Residential Properties Built Before 1980 | 5,221 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 1,041 |

### 14621 (South)

The neighborhood of 14621 (South) is located directly north of the city-core area and is home to 17,740 or 8.1% of the City's population. Bordering neighborhoods include 14621 (North) and Northland-Lyceum. There are approximately 5,718 households and 7,040 housing units in the neighborhood. Of the units that are occupied, only 31% are owner-occupied, with the balance being renters. This is 22% below the average for the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent 82% of the total population, with African Americans being the most heavily represented at 54%. There are 2,109 children under the age of 6 years old living in 14621 (South) according to the 2000 US Census.

It is estimated that 70% of the families in 14621 (South) are living below 80% of the MFI, and 35% below 30% of the MFI. Essentially all the housing units in 14621 (South) were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in 14621 (South) is approximately $30,075, which is 43% below the City average of $53,141.

It was determined that 29% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is more than three times the City average of 9%.

| | |
|---|---|
| Population | 17,740 |
| Percent Black | 54% |
| Percent Minority | 82% |
| Population over 25 without a High School Diploma | 51% |
| Housing Units | 7,040 |
| Households | 5,718 |
| Properties owned by Investors | 50% |
| Owner Occupancy Rate | 31% |
| Families | 4,152 |
| Families below 30% MFI | 35% |
| Families below 80% MFI | 70% |
| Residential Properties Built Before 1980 | 6,866 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 2,032 |

## 19th Ward

The neighborhood of 19th Ward is located on the southwest boundary of the city and is home to 18,797 or 8.6% of the City's population. Bordering neighborhoods include Genesee-Jefferson and Plymouth-Exchange and UNIT Lyell-Otis. There are approximately 6,937 households and 7,667 housing units in the neighborhood. Of the units that are occupied, only 54% are owner-occupied, with the balance being renters. This is an owner-occupancy rate 35% greater than the city rate of 40%.

The minority populations in the neighborhood represent the majority of the total population (74%), with Black or African Americans being the most heavily represented at 69%. There are 1,768 children under the age of 6 years old living in 19th Ward according to the 2000 US Census.

It is estimated that 39% of the families in 19th Ward are living below 80% of the MFI, and 11% below 30% of the MFI. Essentially all the housing units in 19th Ward were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in 19th Ward is approximately $55,146, which is 4% above the City average of $53,141.

It was determined that 23% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is two and a half times the City average of 9%.

| | |
|---|---|
| Population | 18,797 |
| Percent Black | 69% |
| Percent Minority | 74% |
| Population over 25 without a High School Diploma | 22% |
| Housing Units | 7,667 |
| Households | 6,937 |
| Properties owned by Investors | 37% |
| Owner Occupancy Rate | 54% |
| Families | 4,515 |
| Families below 30% MFI | 11% |
| Families below 80% MFI | 39% |
| Residential Properties Built Before 1980 | 7,506 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 1,741 |

## Alexander

The neighborhood of Alexander is located directly in the city-core area and is home to 1,503 or 0.7% of the City's population. Bordering neighborhoods includes Upper Falls, South Marketview Heights, Atlantic University, Park Avenue, Pearl-Meigs-Monroe and South Wedge. There are approximately 991 households and 1,096 housing units in the neighborhood. Of the units that are occupied, only 8% are owner-occupied, with the balance being renters. This is approximately one-fifth of the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent less than half of the total population (40%), with Black or African Americans being the most heavily represented at 30%. There are 56 children under the age of 6 years old living in Alexander according to the 2000 US Census.

It is estimated that 51% of the families in Alexander are living below 80% of the MFI, and 7% below 30% of the MFI. Essentially all the housing units in Alexander were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Alexander is approximately $54,953, which is 3% above the City average of $53,141.

It was determined that 19% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is more than twice the City average of 9%.

| | |
|---|---|
| Population | 1,503 |
| Percent Black | 30% |
| Percent Minority | 40% |
| Population over 25 without a High School Diploma | 21% |
| Housing Units | 1,096 |
| Households | 991 |
| Properties owned by Investors | 83% |
| Owner Occupancy Rate | 8% |
| Families | 183 |
| Families below 30% MFI | 7% |
| Families below 80% MFI | 51% |
| Residential Properties Built Before 1980 | 966 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 51 |

## Atlantic-University

The neighborhood of Atlantic-University is located in the eastern city-core area and is home to 3,335 or 1.5% of the City's population. Bordering neighborhoods include Beechwood, Cobbs Hill, Park Avenue, Alexander and South Marketview Heights. There are approximately 2,032 households and 2,257 housing units in the neighborhood. Of the units that are occupied, only 11% are owner-occupied, with the balance being renters. This is approximately one-quarter of the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent 20% of the total population, with Black or African Americans being the most heavily represented at 15%. There are 86 children under the age of 6 years old living in Atlantic-University according to the 2000 US Census.

It is estimated that 41% of the families in Atlantic-University are living below 80% of the MFI, and 24% below 30% of the MFI. Essentially all the housing units in Atlantic-University were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Atlantic-University is approximately $89,694, which is nearly 70% greater than the City average of $53,141.

It was determined that 13% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is more than 40% above the City average of 9%.

| | |
|---|---|
| Population | 3,335 |
| Percent Black | 15% |
| Percent Minority | 20% |
| Population over 25 without a High School Diploma | 16% |
| Housing Units | 2,257 |
| Households | 2,032 |
| Properties owned by Investors | 80% |
| Owner Occupancy Rate | 11% |
| Families | 345 |
| Families below 30% MFI | 24% |
| Families below 80% MFI | 41% |
| Residential Properties Built Before 1980 | 2,204 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 82 |

## Beechwood

The neighborhood of Beechwood is located in the northeastern portion of the city and is home to 7,750 or 3.5% of the City's population. Bordering neighborhoods include Homestead, South Irondequoit, Culver-Winton and Browncroft, Atlantic-University, and North Marketview Heights. There are approximately 2,786 households and 3,316 housing units in the neighborhood. Of the units that are occupied, only 31% are owner-occupied, with the balance being renters. This is 22% lower than the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent more the majority of the total population (70%), with Black or African Americans being the most heavily represented at 58%. There are 984 children under the age of 6 years old living in Beechwood according to the 2000 US Census.

It is estimated that 67% of the families in Beechwood are living below 80% of the MFI, and 30% below 30% of the MFI. Essentially all the housing units in Beechwood were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Beechwood is approximately $43,950, which is 17% less than the City average of $53,141.

It was determined that 29% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is more than three times the City average of 9%.

| | |
|---|---|
| Population | 7,750 |
| Percent Black | 58% |
| Percent Minority | 70% |
| Population over 25 without a High School Diploma | 30% |
| Housing Units | 3,316 |
| Households | 2,786 |
| Properties owned by Investors | 53% |
| Owner Occupancy Rate | 31% |
| Families | 1,844 |
| Families below 30% MFI | 30% |
| Families below 80% MFI | 67% |
| Residential Properties Built Before 1980 | 3,525 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 966 |

## Charlotte

The neighborhood of Charlotte is located at the northwestern tip of the city and is home to 8,829 or 4% of the City's population. Bordering neighborhoods include Greece, West Maplewood and East Maplewood. There are approximately 4,031 households and 4,260 housing units in the neighborhood. Of the units that are occupied, 53% are owner-occupied, with the balance being renters. This is one-third higher than the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent only 10% of the total population, with Black or African Americans being the most heavily represented at 5%. There are 709 children under the age of 6 years old living in Charlotte according to the 2000 US Census.

It is estimated that 32% of the families in Charlotte are living below 80% of the MFI, and 7% below 30% of the MFI. Essentially all the housing units in Charlotte were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Charlotte is approximately $71,366, which is one-third greater than the City average of $53,141.

It was determined that 7% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is 23% below the City average of 9%.

| | |
|---|---|
| Population | 8,829 |
| Percent Black | 5% |
| Percent Minority | 10% |
| Population over 25 without a High School Diploma | 23% |
| Housing Units | 4,260 |
| Households | 4,031 |
| Properties owned by Investors | 41% |
| Owner Occupancy Rate | 53% |
| Families | 2,056 |
| Families below 30% MFI | 7% |
| Families below 80% MFI | 32% |
| Residential Properties Built Before 1980 | 3,901 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 641 |

## Cobbs Hill

The neighborhood of Cobbs Hill is located in the southeastern section of the city and is home to 4,020 or 1.8% of the City's population. Bordering neighborhoods include Culver-Winton, Brighton, Upper Monroe, Park Avenue, and Atlantic-University. There are approximately 2,224 households and 2,404 housing units in the neighborhood. Of the units that are occupied, 44% are owner-occupied, with the balance being renters. This is 10% above the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent only 8% of the total population, with Black or African Americans being the most heavily represented at 5%. There are 155 children under the age of 6 years old living in Cobbs Hill according to the 2000 US Census.

It is estimated that 17% of the families in Cobbs Hill are living below 80% of the MFI, and 3% below 30% of the MFI. Essentially all the housing units in Cobbs Hill were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Cobbs Hill is approximately $149,727, which is nearly three times the City average of $53,141.

It was determined that 4% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is less than half the City average of 9%.

| | |
|---|---|
| Population | 4,020 |
| Percent Black | 5% |
| Percent Minority | 8% |
| Population over 25 without a High School Diploma | 8% |
| Housing Units | 2,404 |
| Households | 2,224 |
| Properties owned by Investors | 49% |
| Owner Occupancy Rate | 44% |
| Families | 805 |
| Families below 30% MFI | 3% |
| Families below 80% MFI | 17% |
| Residential Properties Built Before 1980 | 2,265 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 152 |

## Corn Hill

The neighborhood of Corn Hill is located near the southwest city-core area and is home to 2,655 or 1.2% of the City's population. Bordering neighborhoods include Genesee-Jefferson & Plymouth-Exchange and Mayors Heights. There are approximately 1,348 households and 1,440 housing units in the neighborhood. Of the units that are occupied, only 25% are owner-occupied, with the balance being renters. This is nearly 40% below the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent more than half of the total population (60%), with Black or African Americans being the most heavily represented at 55%. There are 222 children under the age of 6 years old living in Corn Hill according to the 2000 US Census.

It is estimated that 57% of the families in Corn Hill are living below 80% of the MFI, and 25% below 30% of the MFI. Essentially all the housing units in Corn Hill were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Corn Hill is approximately $78,021, which is 47% greater than the City average of $53,141.

It was determined that 18% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is twice the City average of 9%.

| | |
|---|---|
| Population | 2,665 |
| Percent Black | 55% |
| Percent Minority | 60% |
| Population over 25 without a High School Diploma | 29% |
| Housing Units | 1,440 |
| Households | 1,348 |
| Properties owned by Investors | 68% |
| Owner Occupancy Rate | 25% |
| Families | 489 |
| Families below 30% MFI | 25% |
| Families below 80% MFI | 57% |
| Residential Properties Built Before 1980 | 1,187 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 173 |

## Culver-Winton and Browncroft

The neighborhoods of Culver-Winton and Browncroft are located northeast of the city-core area and are home to 12,213 or 5.6% of the City's population. Bordering neighborhoods include Irondequoit, Brighton, Cobbs Hill and Beechwood. There are approximately 5,515 households and 5,807 housing units in the neighborhood. Of the units that are occupied, 60% are owner-occupied, with the balance being renters. This is 50% higher than the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent 19% of the total population, with Black or African Americans being the most heavily represented at 13%. There are 994 children under the age of 6 years old living in Culver-Winton and Browncroft according to the 2000 US Census.

It is estimated that 33% of the families in Culver-Winton and Browncroft are living below 80% of the MFI, and 6% below 30% of the MFI. Essentially all the housing units in Culver-Winton and Browncroft were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Culver-Winton and Browncroft is approximately $72,742, which is nearly 40% greater than the City average of $53,141.

It was determined that 10% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is slightly above the City average of 9%.

| | |
|---|---|
| Population | 12,213 |
| Percent Black | 13% |
| Percent Minority | 19% |
| Population over 25 without a High School Diploma | 17% |
| Housing Units | 5,807 |
| Households | 5,515 |
| Properties owned by Investors | 35% |
| Owner Occupancy Rate | 60% |
| Families | 2,921 |
| Families below 30% MFI | 6% |
| Families below 80% MFI | 33% |
| Residential Properties Built Before 1980 | 5,639 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 972 |

## Edgerton

The neighborhood of Edgerton is located northwest of the city-core area and is home to 13,069 or 5.9% of the City's population. Bordering neighborhoods include East Maplewood, POD/CHAC/BEST, and UNIT and Lyell-Otis. There are approximately 4,921 households and 6,031 housing units in the neighborhood. Of the units that are occupied, only 23% are owner-occupied, with the balance being renters. This is 42% below the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent more than half of the total population (59%), with Black or African Americans being the most heavily represented at 38%. There are 1,625 children under the age of 6 years old living in Edgerton according to the 2000 US Census.

It is estimated that 73% of the families in Edgerton are living below 80% of the MFI, and 34% below 30% of the MFI. Essentially all the housing units in Edgerton were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Edgerton is approximately $30,092, which is 43% less than the City average of $53,141.

It was determined that 25% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is nearly three times the City average of 9%.

| | |
|---|---|
| Population | 13,069 |
| Percent Black | 38% |
| Percent Minority | 59% |
| Population over 25 without a High School Diploma | 42% |
| Housing Units | 6,031 |
| Households | 4,921 |
| Properties owned by Investors | 59% |
| Owner Occupancy Rate | 31% |
| Families | 2,949 |
| Families below 30% MFI | 34% |
| Families below 80% MFI | 73% |
| Residential Properties Built Before 1980 | 5,900 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 1,590 |

## Elwanger-Barry and Swillburg

The neighborhoods of Elwanger-Barry and Swillburg are located directly south of the city-core area and are home to 4,724 or 2.1% of the City's population. Bordering neighborhoods include Upper Monroe, Brighton, Strong, South Wedge and Pearl. There are approximately 1,806 households and 1,925 housing units in the neighborhood. Of the units that are occupied 58% are owner-occupied, with the balance being renters. This is 45% higher than the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent 20% of the total population, with Black or African Americans being the most heavily represented at 12%. There are 236 children under the age of 6 years old living in Elwanger-Barry and Swillburg according to the 2000 US Census.

It is estimated that 43% of the families in Elwanger-Barry and Swillburg are living below 80% of the MFI, and 14% below 30% of the MFI. Essentially all the housing units in Elwanger-Barry and Swillburg were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Elwanger-Barry and Swillburg is approximately $70,916, which is one-third greater than the City average of $53,141.

It was determined that 15% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is two-thirds higher than the City average of 9%.

| | |
|---|---|
| Population | 4,724 |
| Percent Black | 12% |
| Percent Minority | 20% |
| Population over 25 without a High School Diploma | 21% |
| Housing Units | 1,925 |
| Households | 1,806 |
| Properties owned by Investors | 36% |
| Owner Occupancy Rate | 58% |
| Families | 945 |
| Families below 30% MFI | 14% |
| Families below 80% MFI | 43% |
| Residential Properties Built Before 1980 | 1,860 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 232 |

## Genesee-Jefferson and Plymouth-Exchange

The neighborhoods of Genesee-Jefferson and Plymouth-Exchange are located southwest of the city-core area and are home to 8,887 or 4% of the City's population. Bordering neighborhoods include Mayors Heights, Corn Hill, and 19th Ward. There are approximately 3,261 households and 3,899 housing units in the neighborhood. Of the units that are occupied, only 31% are owner-occupied, with the balance being renters. This is 22% below the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent almost all of the total population (96%), with Black or African Americans being the most heavily represented at 92%. There are 1,119 children under the age of 6 years old living in Genesee-Jefferson and Plymouth-Exchange according to the 2000 US Census.

It is estimated that 67% of the families in Genesee-Jefferson and Plymouth-Exchange are living below 80% of the MFI, and 32% below 30% of the MFI. Essentially all the housing units in Genesee-Jefferson and Plymouth-Exchange were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Genesee-Jefferson and Plymouth-Exchange is approximately $28,711, which is 46% below the City average of $53,141.

It was determined that 34% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is nearly four times the City average of 9%.

| | |
|---|---|
| Population | 8,887 |
| Percent Black | 92% |
| Percent Minority | 96% |
| Population over 25 without a High School Diploma | 46% |
| Housing Units | 3,899 |
| Households | 3,261 |
| Properties owned by Investors | 53% |
| Owner Occupancy Rate | 31% |
| Families | 2,078 |
| Families below 30% MFI | 32% |
| Families below 80% MFI | 67% |
| Residential Properties Built Before 1980 | 3,875 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 1,103 |

## Homestead Heights

The neighborhood of Homestead Heights is located to the northeast of the city-core area and is home to 3,685 or 1.7% of the City's population. Bordering neighborhoods include Northland-Lycum, Irondequoit, Beechwood, and North Marketview. There are approximately 1,464 households and 1,596 housing units in the neighborhood. Of the units that are occupied, 65% are owner-occupied, with the balance being renters. This is more than 60% higher than the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent more than half of the total population (51%), with Black or African Americans being the most heavily represented at 41%. There are 384 children under the age of 6 years old living in Homestead Heights according to the 2000 US Census.

It is estimated that 42% of the families in Homestead Heights are living below 80% of the MFI, and 18% below 30% of the MFI. Essentially all the housing units in Homestead Heights were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Homestead Heights is approximately $55,094, which is 4% above the City average of $53,141.

It was determined that 20% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is more than twice the City average of 9%.

| | |
|---|---|
| Population | 3,685 |
| Percent Black | 41% |
| Percent Minority | 51% |
| Population over 25 without a High School Diploma | 25% |
| Housing Units | 1,596 |
| Households | 1,464 |
| Properties owned by Investors | 32% |
| Owner Occupancy Rate | 60% |
| Families | 920 |
| Families below 30% MFI | 18% |
| Families below 80% MFI | 41% |
| Residential Properties Built Before 1980 | 1,552 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 375 |

## Maplewood (East)

The neighborhood of Maplewood (East) is located directly northwest of the city-core area and is home to 13,946 or 6.3% of the City's population. Bordering neighborhoods include West Maplewood, Charlotte, Edgerton, and UNIT and Lyell-Otis. There are approximately 5,200 households and 5,811 housing units in the neighborhood. Of the units that are occupied, only 42% are owner-occupied, with the balance being renters. This is slightly more than the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent 37% of the total population, with Black or African Americans being the most heavily represented at 25%. There are 1,569 children under the age of 6 years old living in Maplewood (East) according to the 2000 US Census.

It is estimated that 42% of the families in Maplewood (East) are living below 80% of the MFI, and 14% below 30% of the MFI. Essentially all the housing units in Maplewood (East) were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Maplewood (East) is approximately $52,826, which is slightly below the City average of $53,141.

It was determined that 15% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which two-thirds higher than the City average of 9%.

| | |
|---|---|
| Population | 13,946 |
| Percent Black | 25% |
| Percent Minority | 37% |
| Population over 25 without a High School Diploma | 20% |
| Housing Units | 5,811 |
| Households | 5,200 |
| Properties owned by Investors | 47% |
| Owner Occupancy Rate | 42% |
| Families | 3,230 |
| Families below 30% MFI | 14% |
| Families below 80% MFI | 42% |
| Residential Properties Built Before 1980 | 5,688 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 1,543 |

## Maplewood (West)

The neighborhood of Maplewood (West) is located on the western boarder of the city and is home to 5,373 or 2.4% of the City's population. Bordering neighborhoods include Greece, Charlotte, East Maplewood and UNIT and Lyell-Otis.. There are approximately 2,421 households and 2,559 housing units in the neighborhood. Of the units that are occupied, 54% are owner-occupied, with the balance being renters. This is 35% higher than the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent 25% of the total population, with Black or African Americans being the most heavily represented at 16%. There are 531 children under the age of 6 years old living in Maplewood (West) according to the 2000 US Census.

It is estimated that 36% of the families in Maplewood (West) are living below 80% of the MFI, and 6% below 30% of the MFI. Essentially all the housing units in Maplewood (West) were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Maplewood (West) is approximately $58,392, which is 10% greater than the City average of $53,141.

It was determined that 7% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is below the City average of 9%.

| | |
|---|---|
| Population | 5,373 |
| Percent Black | 16% |
| Percent Minority | 25% |
| Population over 25 without a High School Diploma | 22% |
| Housing Units | 2,559 |
| Households | 2,421 |
| Properties owned by Investors | 40% |
| Owner Occupancy Rate | 54% |
| Families | 1,351 |
| Families below 30% MFI | 6% |
| Families below 80% MFI | 36% |
| Residential Properties Built Before 1980 | 2,423 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 505 |

## Mayors Heights (a.k.a Changing of the Scenes)

The neighborhood of Mayors Heights is located southwest of the city-core area and is home to 1,426 or 0.6% of the City's population. Bordering neighborhoods include Susan B. Anthony, Corn Hill, and Genesee-Jefferson & Plymouth-Exchange. There are approximately 530 households and 670 housing units in the neighborhood. Of the units that are occupied, only 23% are owner-occupied, with the balance being renters. This is nearly half the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent almost all of the total population (97%), with Black or African Americans being the most heavily represented at 90%. There are 106 children under the age of 6 years old living in Mayors Heights according to the 2000 US Census.

It is estimated that 73% of the families in Mayors Heights are living below 80% of the MFI, and 47% below 30% of the MFI. Essentially all the housing units in Mayors Heights were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Mayors Heights is approximately $31,517, which is 40% below the City average of $53,141.

It was determined that 29% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is more than three times the City average of 9%.

| | |
|---|---|
| Population | 1,426 |
| Percent Black | 90% |
| Percent Minority | 97% |
| Population over 25 without a High School Diploma | 50% |
| Housing Units | 670 |
| Households | 530 |
| Properties owned by Investors | 56% |
| Owner Occupancy Rate | 23% |
| Families | 345 |
| Families below 30% MFI | 47% |
| Families below 80% MFI | 73% |
| Residential Properties Built Before 1980 | 607 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 96 |

### Marketview Heights (North)

The neighborhood of Marketview Heights (North) is located directly north of the city-core area and is home to 8,685 or 4% of the City's population. Bordering neighborhoods include Northland-Lyceum, Homestead Heights, Beechwood, Atlantic-University, Marketview Heights (South), Upper Falls, and 14621 (South). There are approximately 2,905 households and 3,474 housing units in the neighborhood. Of the units that are occupied, only 28% are owner-occupied, with the balance being renters. This is 30% below the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent a majority of the total population (84%), with Black or African Americans being the most heavily represented at 60%. There are 1097 children under the age of 6 years old living in Marketview Heights (North) according to the 2000 US Census.

It is estimated that 76% of the families in Marketview Heights (North) are living below 80% of the MFI, and 47% below 30% of the MFI. Essentially all the housing units in Marketview Heights (North) were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Marketview Heights (North) is approximately $28,641, which is nearly half the City average of $53,141.

It was determined that 29% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is more than three times the City average of 9%.

| | |
|---|---|
| Population | 8,685 |
| Percent Black | 60% |
| Percent Minority | 84% |
| Population over 25 without a High School Diploma | 53% |
| Housing Units | 3,474 |
| Households | 2,905 |
| Properties owned by Investors | 56% |
| Owner Occupancy Rate | 28% |
| Families | 2,109 |
| Families below 30% MFI | 47% |
| Families below 80% MFI | 76% |
| Residential Properties Built Before 1980 | 3,213 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 968 |

### Marketview Heights (South)

The neighborhood of Marketview Heights (South) is located directly north of the city-core area and is home to 2,096 or 1.0% of the City's population. Bordering neighborhoods include Upper Falls, Alexander, Atlantic-University, Beechwood and Marketview Heights (North). There are approximately 763 households and 900 housing units in the neighborhood. Of the units that are occupied, only 14% are owner-occupied, with the balance being renters. This is about one-third of the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent a majority of the total population (82%), with Black or African Americans being the most heavily represented at 66%. There are 246 children under the age of 6 years old living in Marketview Heights (South) according to the 2000 US Census.

It is estimated that 78% of the families in Marketview Heights (South) are living below 80% of the MFI, and 48% below 30% of the MFI. Essentially all the housing units in Marketview Heights (South)were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Marketview Heights (South)is approximately $29,185, which is 45% less than the City average of $53,141.

It was determined that 28% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is more than three times the City average of 9%.

| | |
|---|---|
| Population | 2,096 |
| Percent Black | 66% |
| Percent Minority | 82% |
| Population over 25 without a High School Diploma | 53% |
| Housing Units | 900 |
| Households | 763 |
| Properties owned by Investors | 71% |
| Owner Occupancy Rate | 14% |
| Families | 468 |
| Families below 30% MFI | 48% |
| Families below 80% MFI | 78% |
| Residential Properties Built Before 1980 | 731 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 182 |

## Northland-Lyceum

The neighborhood of Northland-Lyceum is located directly northeast of the city-core area and is home to 9,917 or 4.5% of the City's population. Bordering neighborhoods include 14621 (North), 14621 (South), North Marketview Heights, Homestead, and Irondequoit. There are approximately 3,872 households and 4,171 housing units in the neighborhood. Of the units that are occupied, 57% are owner-occupied, with the balance being renters. This is 43% higher than the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent more than half of the total population (53%), with Black or African Americans being the most heavily represented at 34%. There are 932 children under the age of 6 years old living in Northland-Lyceum according to the 2000 US Census.

It is estimated that 48% of the families in Northland-Lyceum are living below 80% of the MFI, and 13% below 30% of the MFI. Essentially all the housing units in Northland-Lyceum were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Northland-Lyceum is approximately $51,963, which is 2% below the City average of $53,141.

It was determined that 13% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is 44% above the City average of 9%.

| | |
|---|---|
| Population | 9,917 |
| Percent Black | 34% |
| Percent Minority | 53% |
| Population over 25 without a High School Diploma | 35% |
| Housing Units | 4,171 |
| Households | 3,872 |
| Properties owned by Investors | 36% |
| Owner Occupancy Rate | 57% |
| Families | 2,490 |
| Families below 30% MFI | 13% |
| Families below 80% MFI | 48% |
| Residential Properties Built Before 1980 | 3,970 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 886 |

## Park Avenue

The neighborhood of Park Avenue is located southeast of the city-core area and is home to 8,414 or 3.8% of the City's population. Bordering neighborhoods include Atlantic-University, Cobbs Hill, Upper Monroe, Pearl-Meigs-Monroe, and Alexander. There are approximately 5,024 households and 5,279 housing units in the neighborhood. Of the units that are occupied, only 18% are owner-occupied, with the balance being renters. This is less than half the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent 10% of the total population, with Black or African Americans being the most heavily represented at 5%. There are 232 children under the age of 6 years old living in Park Avenue according to the 2000 US Census.

It is estimated that 30% of the families in Park Avenue are living below 80% of the MFI, and 10% below 30% of the MFI. Essentially all the housing units in Park Avenue were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Park Avenue is approximately $127,619, which is nearly two and half times greater than the City average of $53,141.

It was determined that 12% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is one-third higher than the City average of 9%.

| | |
|---|---|
| Population | 8,414 |
| Percent Black | 10% |
| Percent Minority | 5% |
| Population over 25 without a High School Diploma | 10% |
| Housing Units | 5,279 |
| Households | 5,024 |
| Properties owned by Investors | 77% |
| Owner Occupancy Rate | 18% |
| Families | 997 |
| Families below 30% MFI | 10% |
| Families below 80% MFI | 30% |
| Residential Properties Built Before 1980 | 5,207 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 227 |

## Pearl-Meigs-Monroe

The neighborhood of Pearl-Meigs-Monroe is located directly southeast of the city-core area and is home to 2,105 or 1% of the City's population. Bordering neighborhoods include Alexander, Park Avenue, Upper Monroe, Elwanger-Swillburg, and South Wedge. There are approximately 1,112 households and 1,246 housing units in the neighborhood. Of the units that are occupied, only 17% are owner-occupied, with the balance being renters. This is less than half the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent one-third of the total population (31%), with Black or African Americans being the most heavily represented at 21%. There are 97 children under the age of 6 years old living in Pearl-Meigs-Monroe according to the 2000 US Census.

It is estimated that 51% of the families in Pearl-Meigs-Monroe are living below 80% of the MFI, and 14% below 30% of the MFI. Essentially all the housing units Pearl-Meigs-Monroe were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Pearl-Meigs-Monroe is approximately $54,857, which is 3% greater than then City average of $53,141.

It was determined that 20% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is more than twice the City average of 9%.

| | |
|---|---|
| Population | 2,105 |
| Percent Black | 21% |
| Percent Minority | 33% |
| Population over 25 without a High School Diploma | 19% |
| Housing Units | 1,246 |
| Households | 1,112 |
| Properties owned by Investors | 73% |
| Owner Occupancy Rate | 17% |
| Families | 328 |
| Families below 30% MFI | 14% |
| Families below 80% MFI | 51% |
| Residential Properties Built Before 1980 | 1,180 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 95 |

## POD, CHAC and BEST

The neighborhoods of POD, CHAC and BEST are located directly west of the city-core area and are home to 9,014 or 4% of the City's population. Bordering neighborhoods include UNIT and Lyell-Otis, Edgerton and Susan B. Anthony. There are approximately 3,239 households and 3,936 housing units in the neighborhood. Of the units that are occupied, only 28% are owner-occupied, with the balance being renters. This is 30% below the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent the majority of the total population (68%), with Black or African Americans being the most heavily represented at 54%. There are 978 children under the age of 6 years old living in POD and CHAC and BEST according to the 2000 US Census.

It is estimated that 65% of the families in POD and CHAC and BEST are living below 80% of the MFI, and 34% below 30% of the MFI. Essentially all the housing units in POD and CHAC and BEST were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in POD and CHAC and BEST is approximately $32,437 which is 39% below the City average of $53,141.

It was determined that 29% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which more than three times the City average of 9%.

| | |
|---|---|
| Population | 9,014 |
| Percent Black | 54% |
| Percent Minority | 68% |
| Population over 25 without a High School Diploma | 44% |
| Housing Units | 3,936 |
| Households | 3,239 |
| Properties owned by Investors | 54% |
| Owner Occupancy Rate | 28% |
| Families | 2,064 |
| Families below 30% MFI | 34% |
| Families below 80% MFI | 65% |
| Residential Properties Built Before 1980 | 3,895 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 970 |

## South Wedge

The neighborhood of South Wedge is located directly south of the city-core area and is home to 6,564 or 3% of the City's population. Bordering neighborhoods include Alexander, Pearl-Meigs-Monroe, Elwanger-Swillburg and Strong. There are approximately 3,363 households and 3,640 housing units in the neighborhood. Of the units that are occupied, only 21% are owner-occupied, with the balance being renters. This is nearly half the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent less than half of the total population (43%), with Black or African Americans being the most heavily represented at 32%. There are 491 children under the age of 6 years old living in South Wedge according to the 2000 US Census.

It is estimated that 66% of the families in South Wedge are living below 80% of the MFI, and 25% below 30% of the MFI. Essentially all the housing units in South Wedge were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in South Wedge is approximately $57,186, which is 8% greater than the City average of $53,141.

It was determined that 22% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is nearly two and a half times the City average of 9%.

| | |
|---|---|
| Population | 6,564 |
| Percent Black | 32% |
| Percent Minority | 43% |
| Population over 25 without a High School Diploma | 27% |
| Housing Units | 3,640 |
| Households | 3,363 |
| Properties owned by Investors | 72% |
| Owner Occupancy Rate | 21% |
| Families | 1,233 |
| Families below 30% MFI | 25% |
| Families below 80% MFI | 66% |
| Residential Properties Built Before 1980 | 2,860 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 439 |

## Strong

The neighborhood of Strong is located directly south of the city-core area and is home to 6,066 or 2.8% of the City's population. Bordering neighborhoods include South Wedge, Elwanger-Swillburg and Brighton. There are approximately 2,708 households and 2,808 housing units in the neighborhood. Of the units that are occupied, only 33% are owner-occupied, with the balance being renters. This is 17% below the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent 25% of the total population, with Black or African Americans representing 9% of the minority population. There are 337 children under the age of 6 years old living Strong according to the 2000 US Census.

It is estimated that 49% of the families in Strong are living below 80% of the MFI, and 9% below 30% of the MFI. Essentially all the housing units in Strong were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Strong is approximately $76,969, which is 45% greater than the City average of $53,141.

It was determined that 6% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is one-third below the City average of 9%.

| | |
|---|---|
| Population | 6,066 |
| Percent Black | 9% |
| Percent Minority | 25% |
| Population over 25 without a High School Diploma | 18% |
| Housing Units | 2,808 |
| Households | 2,708 |
| Properties owned by Investors | 63% |
| Owner Occupancy Rate | 33% |
| Families | 1,019 |
| Families below 30% MFI | 9% |
| Families below 80% MFI | 49% |
| Residential Properties Built Before 1980 | 2,626 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 314 |

## Susan B. Anthony

The neighborhood of Susan B. Anthony is located directly west of the city-core area and is home to 1,663 or 0.8% of the City's population. Bordering neighborhoods include Corn Hill, Mayors Heights, 19th Ward and POD, CHAC and BEST. There are approximately 617 households and 752 housing units in the neighborhood. Of the units that are occupied, only 18% are owner-occupied, with the balance being renters. This is less than half the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent most of the total population (93%), with Black or African Americans being the most heavily represented at 86%. There are 199 children under the age of 6 years old living in Susan B. Anthony according to the 2000 US Census.

It is estimated that 70% of the families in Susan B. Anthony are living below 80% of the MFI, and 50% below 30% of the MFI. Essentially all the housing units in Susan B. Anthony were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Susan B. Anthony is approximately $28,888, which is 46% less than the City average of $53,141.

It was determined that 34% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is nearly four times the City average of 9%.

| | |
|---|---|
| Population | 1,663 |
| Percent Black | 86% |
| Percent Minority | 93% |
| Population over 25 without a High School Diploma | 46% |
| Housing Units | 752 |
| Households | 617 |
| Properties owned by Investors | 64% |
| Owner Occupancy Rate | 18% |
| Families | 349 |
| Families below 30% MFI | 50% |
| Families below 80% MFI | 70% |
| Residential Properties Built Before 1980 | 700 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 190 |

## UNIT and Lyell-Otis

The neighborhoods of UNIT and Lyell-Otis are located directly on the western edge of the City and are home to 7,512 or 3.4% of the City's population. Bordering neighborhoods include West Maplewood, Edgerton, POD, CHAC and BEST and 19th Ward. There are approximately 3,036 households and 3,262 housing units in the neighborhood. Of the units that are occupied, 56% are owner-occupied, with the balance being renters. This is 40% higher than the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent less than half of the total population (40%), with Black or African Americans being the most heavily represented at 27%. There are 738 children under the age of 6 years old living in UNIT and Lyell-Otis according to the 2000 US Census.

It is estimated that 50% of the families in UNIT and Lyell-Otis are living below 80% of the MFI, and 16% below 30% of the MFI. Essentially all the housing units in UNIT and Lyell-Otis were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in UNIT and Lyell-Otis is approximately $50,291, which is 5% less than the City average of $53,141.

It was determined that 11% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is slightly above the City average of 9%.

| | |
|---|---|
| Population | 7,512 |
| Percent Black | 27% |
| Percent Minority | 40% |
| Population over 25 without a High School Diploma | 38% |
| Housing Units | 3,262 |
| Households | 3,036 |
| Properties owned by Investors | 38% |
| Owner Occupancy Rate | 56% |
| Families | 1,830 |
| Families below 30% MFI | 16% |
| Families below 80% MFI | 50% |
| Residential Properties Built Before 1980 | 3,015 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 682 |

## Upper Falls

The neighborhood of Upper Falls is located directly north of the city-core area and is home to 6,362 or 2.9% of the City's population. Bordering neighborhoods include 14621 (South), North Marketview and South Marketview. There are approximately 2,264 households and 2,637 housing units in the neighborhood. Of the units that are occupied, only 14% are owner-occupied, with the balance being renters. This is one-third the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent most of the total population (86%), with Black or African Americans being the most heavily represented at 61%. There are 770 children under the age of 6 years old living in Upper Falls according to the 2000 US Census.

It is estimated that 80% of the families in Upper Falls are living below 80% of the MFI, and 44% below 30% of the MFI. Essentially all the housing units in Upper Falls were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Upper Falls is approximately $26,793, which is half the City average of $53,141.

It was determined that 32% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is three and one-half times more than the City average of 9%.

| | |
|---|---|
| Population | 6,362 |
| Percent Black | 61% |
| Percent Minority | 86% |
| Population over 25 without a High School Diploma | 56% |
| Housing Units | 2,637 |
| Households | 2,264 |
| Properties owned by Investors | 72% |
| Owner Occupancy Rate | 14% |
| Families | 1517 |
| Families below 30% MFI | 44% |
| Families below 80% MFI | 80% |
| Residential Properties Built Before 1980 | 2,072 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 600 |

## Upper Monroe

The neighborhood of Upper Monroe is located directly southeast of the city-core area and is home to 3,128 or 1.4% of the City's population. Bordering neighborhoods include Elwanger-Swillburg, Pearl-Meigs-Monroe, Park Avenue, Cobbs Hill and North Brighton. There are approximately 1,385 households and 1,487 housing units in the neighborhood. Of the units that are occupied, only 31% are owner-occupied, with the balance being renters. This is 22% below the City owner-occupancy rate of 40%.

The minority populations in the neighborhood represent less than one-fifth of the total population (15%), with Black or African Americans being the most heavily represented at 9%. There are 132 children under the age of 6 years old living in Upper Monroe according to the 2000 US Census.

It is estimated that 32% of the families in Upper Monroe are living below 13% of the MFI, and 17% below 30% of the MFI. Essentially all the housing units in Upper Monroe were built before 1978, meaning all have the potential to contain lead-based paint and could be considered a hazard depending on how well the home is maintained. The average assessed value of homes in Upper Monroe is approximately $92,344, which is 74% greater than then City average of 53,141.

It was determined that 19% of the children tested in the neighborhood had blood lead levels above 10 µg/dL , which is more than twice the City average of 9%.

| | |
|---|---|
| Population | 3,128 |
| Percent Black | 9% |
| Percent Minority | 15% |
| Population over 25 without a High School Diploma | 16% |
| Housing Units | 1,487 |
| Households | 1,385 |
| Properties owned by Investors | 63% |
| Owner Occupancy Rate | 31% |
| Families | 518 |
| Families below 30% MFI | 13% |
| Families below 80% MFI | 32% |
| Residential Properties Built Before 1980 | 1,470 |
| Estimated Number of Children Under 6 in Pre-1980 Housing | 130 |

# C Economic and Housing Impacts Methodology

This appendix serves to outline the data sources, assumptions and methodology that were utilized for the Section 5.6 – Housing impacts analysis. As an alternative to crowding the results presented in Section 5.6, the details were taken out and are included in this appendix for the reference of the reader.

The impacts resulting from the potential implementation of the proposed alternatives were evaluated under each alternative. This involved input from various resources and several assumptions that provide the framework for measuring the magnitude of economic and housing impacts between the three proposed alternatives and the No Action Alternative. The resulting analysis weighs the alternatives against each other with respect to program costs, housing values, rent, and potential for abandonment.

## Overall Framework

The potentially recurring cost of inspections will differ between alternatives. This is due to the lead-hazards identification processes being either based on the need for a Certificate of Lead Poisoning Prevention Code Compliance (under Alt 1) or being a part of the Certificate of Occupancy renewal with the City (under Alts. 2 and 3). It was determined under Alternative 1, that $500 annually would be required for ongoing maintenance and inspections. No additional annual costs were required with Alternatives 2 or 3.

The cost of potential lead hazard control measures for homes was estimated from interviews conducted with local stakeholders in addition to data obtained from previous studies. The average lead hazard control costs for a typical home was approximately $7,557 ($8,140 in 2005) according to the CGR report (CGR 2002). According to a report published in 1988 by the AREUA, a project in Baltimore, MD estimated lead hazard control costs at approximately $3,815, which, inflated to current year dollars is equal to approximately $6,410. According to a variety of interviews conduced with local contacts, and based upon the information from the two reports listed above, $7,500 was determined appropriate for average lead hazard control work.

## Owner-occupied housing

The approach used for determining the impacts by neighborhood for owner-occupied housing were to apply the cost of lead hazard control measures against the average market value of homes in the given study area. It was assumed that the likelihood of selling or abandoning would be proportionately higher with the ratio of the lead hazard control cost to the home value. The average market value of the homes were obtained from the NYS Office of Real Property Service and plotted onto a map of the City of Rochester. Home prices in the defined study area neighborhoods will be aggregated and assumed the average for that area (for the owner-occupied analysis, only home with the 210 – single family, year round residence were used).

If the cost to address lead hazards exceeds an assumed percentage of the overall value of the house, it is assumed the owner will sell or abandon rather than pay to bring the home within compliance.

### Renter-occupied housing

For renter-occupied homes, a pro-forma model will be applied that examines the impact on landlords/building managers' cash flows from the proposed ordinance. The lead hazard control costs can be expected to raise annual operation and maintenance expense for some period of time. The cash flow impact from these additional costs (i.e., a one-time hazard control renovation plus potential annual inspections) will be evaluated within spreadsheet based pro-forma model.

Other assumptions for calculation of the impacts on the rental housing market and property owners include:

1. Operating Expense Ratio – The ratio of all expenses to the revenues received through rent. This ratio was set at 0.6 for Rochester, which is above the national/regional average, but takes into account the stagnant housing market and the inability to raise rents due to high supply or restrictions from housing programs.

2. Houses with children Under 6 years old – This figure was important for Alternative 3 and was determined from the CGR study.

3. Discount Rate – A discount rate of 10% was assumed based on historic trends.

4. Average home values – the average home value data by neighborhood was calculated from the NYS Office of Real Property Service identical to the analysis for the owner-occupied housing.

5. Local rent collected – The typical local rent was obtained from the U.S. Census Bureau and estimated based upon census tract and neighborhoods. This figure was then inflated to current year dollars from 2000.

6. Vacancy – Only rent from the number of units occupied as of 2000 were considered in the analysis.

# D Blood Lead Screening Data 1993-2004

**Blood Lead Screening Data 1993-2004 (Children <= 6.00 years old at time of screen)**

| Monroe County Total | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **# Screened** | 11,480 | 20,399 | 19,285 | 17,972 | 16,161 | 14,566 | 13,619 | 13,697 | 13,259 | 13,537 | 13,708 | 13,746 |
| **# Screened >= 10 µg/dl** | 3,563 | 5,680 | 3,710 | 2,959 | 2,284 | 2,046 | 1,698 | 1,293 | 1,179 | 1,234 | 1,019 | 900 |
| **% Screened >= 10 µg/dl** | 31.0% | 27.8% | 19.2% | 16.5% | 14.1% | 14.0% | 12.5% | 9.4% | 8.9% | 9.1% | 7.4% | 6.5% |
| **# with confirmatory lead levels >= 20 µg/dl** | 553 | 640 | 352 | 280 | 201 | 191 | 129 | 110 | 89 | 112 | 83 | 57 |
| **% confirmed >= 20 µg/dl** | 4.82% | 3.14% | 1.83% | 1.56% | 1.24% | 1.31% | 0.95% | 0.80% | 0.67% | 0.83% | 0.61% | 0.41% |

Source: MCDPH 2005.